



Financial Management and Accountability Act 1997 Determination 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC)

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 the establishment of a new statutory agency, the Office of the Australian Information Commissioner (OAIC), within the Prime Minister and Cabinet portfolio, effective from 1 November 2010. The Office of the Information Commissioner has been transferred from the Department of Prime Minister and Cabinet to the newly created Office of the Australian Information Commissioner.

Dated 17 November 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 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC)*.

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 used in this Determination are as follows:

- (a) “DPMC” – refers to the Department of the Prime Minister and Cabinet.
- (b) “OAIC” – refers to the Office of the Australian Information Commissioner.

Note 3: On 1 November, the Office of the Australian Information Commissioner (OAIC) was established under the *Australian Information Commissioner Act 2010* 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.

2 Commencement

This Determination commences on 1 November 2010.

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) 2010-2011*

Schedule 1 amends *Appropriation Act (No. 1) 2010-2011* to transfer an amount of \$4,026,000 of the departmental item for DPMC to the departmental item for the OAIC.

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

Schedule 2 amends the *Appropriation Act (No. 2) 2009-2010* to transfer an amount of \$2,160,000 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) from the DPMC to “Equity Injections” for OAIC.

Schedule 1 **Amendment of *Appropriation Act (No. 1) 2010-2011***

(Clause 3)

[1] **Schedule 1, Prime Minister and Cabinet portfolio, Department of the Prime Minister and Cabinet table, total for Departmental**

omit

140,192

insert

136,166

[2] **Schedule 1, Prime Minister and Cabinet portfolio, Department of the Prime Minister and Cabinet table**

omit the notes, insert

Note 1: The table has been amended by a determination under 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 agency under the heading “Departmental”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading “Administered”.

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/27 – Section 32 (Transfer of Functions from Health to DPMC)* amended two amounts in this table:

- (a) amended the amount alongside “Total”, under the heading “Departmental”, to transfer an amount to the Departmental item from the Department of Health and Ageing; and
- (b) added an “Outcome 3” and, alongside Outcome 3, an amount under the heading “Administered”, to transfer an amount to the Outcome 3 Administered item from the Department of Health and Ageing.

Functions relating to sport and recreation were transferred from the Department of Health and Ageing to the Department of the Prime Minister and Cabinet due to a Government decision with effect from 14 September 2010.

Note 3: *Financial Management and Accountability Act 1997 Determination 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC)* amended in this table the amount alongside “Total” under the heading “Departmental”, to transfer an amount to the departmental item for the Office of the Australian Information Commissioner.

[3] Schedule 1, Prime Minister and Cabinet portfolio, immediately before the Office of the Commonwealth Ombudsman table

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PRIME MINISTER AND CABINET PORTFOLIO

Appropriation (plain figures)—2010-2011

	Departmental	Administered	Total
	\$'000	\$'000	\$'000
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER			
Outcome 1 –			
Provision of public access to Commonwealth Government information, protection of individuals' personal information, and performance of information commissioner, freedom of information and privacy functions			
Total: Office of the Australian Information Commissioner	4,026		

Note: Financial Management and Accountability Act 1997 Determination 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC) added this table and the amount alongside “Total: Office of the Australian Information Commissioner”, under the heading “Departmental”, to transfer an amount from the Department of Prime Minister and Cabinet.

The Office of the Australian Information Commissioner was established by the *Australian Information Commissioner Act 2010*, effective on 1 November 2010.

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

(Clause 4)

[1] **Schedule 2, Prime Minister and Cabinet portfolio, Department of Prime Minister and Cabinet table, total for Equity Injections**

omit

3,668

insert

1,508

[2] **Schedule 2, Prime Minister and Cabinet portfolio, Department of the Prime Minister and Cabinet table**

insert

Note 1: The table has been inserted by a determination under the *Financial Management and Accountability Act 1997*. 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 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC)* amended the amount alongside “Equity Injections” under the heading “Total” to transfer an amount to the Office of the Australian Information Commissioner.

The Office of the Australian Information Commissioner was established by the *Australian Information Commissioner Act 2010*, effective on 1 November 2010.

[3] Schedule 2, Prime Minister and Cabinet portfolio, immediately before the Office of the Commonwealth Ombudsman table

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PRIME MINISTER AND CABINET PORTFOLIO

Appropriation (plain figures)—2009-2010

	Payments to States, ACT, NT and local government	New Administered Outcomes	Total
	\$'000	\$'000	\$'000
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER			
Non-operating			
Equity Injections			2,160
Total: Office of the Australian Information Commissioner			

Note: Financial Management and Accountability Act 1997 Determination 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC) added this table and the amount alongside “Equity Injections”, under the heading “Total”, to transfer an amount from the Department of Prime Minister and Cabinet.

The Office of the Australian Information Commissioner was established by the *Australian Information Commissioner Act 2010*, effective on 1 November 2010.