

EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	<i>Financial Management and Accountability Act 1997 Determination 2010/38 – Section 32 (Transfer of Functions from former OPRC to OAIC)</i>
Date instrument was made	1 December 2010
The legislative authority under which the instrument is made	<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>
Purpose and effect of the instrument	<p>Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2009-2010</i> to reduce the amount of:</p> <p style="padding-left: 40px;">(a) \$184,468.29 of the departmental item for the former <i>OPRC</i></p> <p>The effect of this schedule is to transfer appropriations relating to the all functions from former <i>OPRC</i> to OAIC across multiple Acts.</p> <p>Schedule 2 of this Instrument amends the <i>Appropriation Act (No. 3) 2009-2010</i> to reduce the amount of:</p> <p style="padding-left: 40px;">(a) \$59,000.00 of the departmental item for the former <i>OPRC</i></p> <p>The effect of this schedule is to transfer appropriations relating to the all functions from former <i>OPRC</i> to OAIC across multiple Acts.</p> <p>Schedule 3 of this Instrument amends the <i>Appropriation Act (No. 1) 2010-2011</i> to reduce the amount of:</p> <p style="padding-left: 40px;">(a) \$5,174,832.00 of the departmental item for the former <i>OPRC</i>; and</p> <p>Increase the amount of:</p> <p style="padding-left: 40px;">(b) \$5,418,300.29 of the departmental item for the OAIC.</p> <p>The effect of this schedule is to transfer appropriations relating to the all functions from former <i>OPRC</i> to OAIC across multiple Acts.</p>
Background	On 1 November, the Office of the Australian Information Commissioner (OAIC) was established under the

EXPLANATORY STATEMENT

	<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. From 1 November 2010, portfolio responsibility for the all functions was transferred from former <i>OPRC</i> to <i>OAIC</i> .
Notes on the Instrument	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , the <i>OPRC</i> and the <i>OAIC</i> 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> .