



Financial Management and Accountability Act 1997 Determination 2010/38 – Section 32 (Transfer of Functions from former OPRC 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, within the Prime Minister and Cabinet portfolio, effective from 1 November 2010. The functions of the former Office of the Privacy Commissioner have been transferred to the newly created Office of the Australian Information Commissioner.

Dated 1st December 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 2010/38 – Section 32 (Transfer of Functions from former OPRC 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) “OPRC” – refers to the former Office of the Privacy Commissioner; and
- (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 Privacy Commissioner was abolished on that date and all its functions were transferred to the newly created 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) 2009-2010*

Schedule 1 amends *Appropriation Act (No. 1) 2009-2010* to reduce the Departmental item for OPRC by \$184,468.29.

4 Amendment of *Appropriation Act (No. 3) 2009-2010*

Schedule 2 amends *Appropriation Act (No. 3) 2009-2010* to reduce the Departmental item for OPRC by \$59,000.00.

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

Schedule 3 amends *Appropriation Act (No. 1) 2010-2011* to reduce the Departmental item for OPRC by \$5,174,832.00 and to increase the Departmental item for OAIC by \$5,418,300.29.

Schedule 1 **Amendment of *Appropriation Act (No. 1) 2009-2010***

(Clause 3)

[1] Schedule 1, Prime Minister and Cabinet portfolio, Office of the Privacy Commissioner table, total for Departmental

omit

6,411

insert

6,226.53171

[2] Schedule 1, Prime Minister and Cabinet portfolio, after the Office of the Privacy Commissioner table

insert

Note 1: The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. Such determinations amend 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 2010/38 – Section 32 (Transfer of Functions from former OPRC to OAIC)* amended an amount alongside “Total”, under the heading “Departmental”, to transfer an amount to 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.

Schedule 2 **Amendment of *Appropriation Act (No. 3) 2009-2010***

(Clause 4)

[1] Schedule 1, Prime Minister and Cabinet portfolio, Office of the Privacy Commissioner table, total for Departmental

omit

59

insert

-

[2] Schedule 1, Prime Minister and Cabinet portfolio, after the Office of the Privacy Commissioner table

insert

Note 1: The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. Such determinations amend 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 2010/38 – Section 32 (Transfer of Functions from former OPRC to OAIC)* amended an amount alongside “Total”, under the heading “Departmental”, to transfer an amount to 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.

Schedule 3 **Amendment of *Appropriation Act (No. 1) 2010-2011***

(Clause 5)

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

omit

6,400

insert

1,225.168

[2] **Schedule 1, Prime Minister and Cabinet portfolio, after the Office of the Privacy Commissioner table**

insert

Note 1: The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. Such determinations amend 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 2010/38 – Section 32 (Transfer of Functions from former OPRC to OAIC)* amended an amount alongside “Total”, under the heading “Departmental”, to transfer an amount to 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 1, Prime Minister and Cabinet portfolio, Office of the Australian Information Commissioner table, total for Departmental**

omit

4,026

insert

9,444.30029

[4] **Schedule 1, Prime Minister and Cabinet portfolio, after the Office of the Australian Information Commissioner table**

omit the note, insert

Note 1: The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. Such determinations amend 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: 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.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/38 – Section 32 (Transfer of Functions from former OPRC to OAIC) amended an amount alongside “Total”, under the heading “Departmental”, to transfer an amount from the Office of the Privacy Commissioner.