

Financial Management and Accountability Act 1997 Determination 2010/37 — Section 32 (Transfer of Functions from AGD to DORA)

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 the territories functions from the Attorney-General's Department to the Department of Regional Australia, Regional Development and Local Government.

Dated 2nd 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 2010/37 — Section 32 (Transfer of Functions from AGD to DORA).

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) "AGD" refers to the Attorney-General's Department; and
- (b) "DORA" refers to the Department of Regional Australia, Regional Development and Local Government.

Note 3: Functions relating to the territories were transferred from the Attorney-General's Department to the Department of Regional Australia, Regional Development and Local Government due to a change to the *Administrative Arrangements Order* with effect from 14 September 2010.

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. 2) 1999-2000

Schedule 1 amends *Appropriation Act (No. 2) 1999-2000* to reduce the Administered Capital item for AGD by \$254,860.68.

4 Amendment of Appropriation Act (No. 4) 2004-2005

Schedule 2 amends *Appropriation Act (No. 4) 2004-2005* to reduce the Administered Assets and Liabilities item for AGD by \$39,950,527.07.

5 Amendment of Appropriation Act (No. 2) 2006-2007

Schedule 3 amends *Appropriation Act (No. 2) 2006-2007* to reduce the Administered Assets and Liabilities item for AGD by \$2,956,000.

6 Amendment of Appropriation Act (No. 4) 2007-2008

Schedule 4 amends *Appropriation Act (No. 4)* 2007-2008 to reduce the Administered Assets and Liabilities item for AGD by \$2,972,692.

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

Schedule 5 amends *Appropriation Act (No. 2) 2009-2010* to reduce the Administered Assets and Liabilities item for AGD by \$395,460.

8 Amendment of Appropriation Act (No. 2) 2010-2011

Schedule 6 amends *Appropriation Act (No. 2) 2010-2011* to reduce the Administered Assets and Liabilities item for AGD by \$1,208,642 and to increase the Administered Assets and Liabilities item for DORA by \$47,738,181.75.

9 Amendment of Appropriation Act (No. 1) 2006-2007

Schedule 7 amends *Appropriation Act (No. 1) 2006-2007* to reduce the Administered item for AGD alongside Outcome 3 by \$22,554,133.09.

10 Amendment of Appropriation Act (No. 1) 2007-2008

Schedule 8 amends *Appropriation Act (No. 1)* 2007-2008 to reduce the Administered item for AGD alongside Outcome 3 by \$11,960,343.18.

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

Schedule 9 amends *Appropriation Act (No. 1)* 2008-2009 to reduce the Administered item for AGD alongside Outcome 3 by \$4,793,682.80.

12 Amendment of Appropriation Act (No. 3) 2008-2009

Schedule 10 amends *Appropriation Act (No. 3)* 2008-2009 to reduce the Administered item for AGD alongside Outcome 3 by \$11,681,445.

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

Schedule 11 amends *Appropriation Act (No. 1)* 2009-2010 to increase the administered item for DORA alongside Outcome 2 by \$50,989,604.07.

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

Schedule 12 amends *Appropriation Act (No. 1)* 2010-2011 to transfer \$32,483,384.16 of the administered item for Outcome 2 for AGD to the administered item for Outcome 2 for DORA.

Schedule 1 Amendment of Appropriation Act (No. 2) 1999-2000

(Clause 3)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Capital

omit

57,088.86068

insert

56,834

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department table

omit the notes, insert

Note 1: The 'Totals' in the table have not been adjusted to reflect the amendments made by the FMA Act Determination 2008/01- Section 32 (Transfer of Functions from the Department of Infrastructure, Transport, Regional Development and Local Government to the Attorney-General's Department).

Schedule 2 Amendment of *Appropriation Act* (No. 4) 2004-2005

(Clause 4)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Assets and Liabilities

omit

66,613.51182

insert

26.662.98475

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department table

omit the notes, insert

Note 1: The 'Totals' in the table have not been adjusted to reflect the amendments made by the FMA Act Determination 2008/01- Section 32 (Transfer of Functions from the Department of Infrastructure, Transport, Regional Development and Local Government to the Attorney-General's Department).

Schedule 3 Amendment of *Appropriation Act* (No. 2) 2006-2007

(Clause 5)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Assets and Liabilities

omit

69,542.99895

insert

66,586.99895

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department table

omit the notes, insert

Note 1: The 'Totals' in the table have not been adjusted to reflect the amendments made by the FMA Act Determination 2008/01 – Section 32 (Transfer of Functions from the Department of Infrastructure, Transport, Regional Development and Local Government to the Attorney-General's Department).

Schedule 4 Amendment of Appropriation Act (No. 4) 2007-2008

(Clause 6)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Assets and Liabilities

omit

5,000

insert

2.027.308

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department table

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 other departmental items, the actual appropriation item is the amount in relation to an agency 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 agency 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 agency 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 agency opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Schedule 5 Amendment of *Appropriation Act* (No. 2) 2009-2010

(Clause 7)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Assets and Liabilities

omit

24,990

insert

24.594.54

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department table

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 other departmental items, the actual appropriation item is the amount in relation to an agency 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 agency 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 agency 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 agency opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Schedule 6 Amendment of Appropriation Act (No. 2) 2010-2011

(Clause 8)

[1] Schedule 2, Attorney-General's portfolio, Attorney-General's Department table, Total for Administered Assets and Liabilities

omit

19,576

insert

18,367.358

[2] Schedule 2, Attorney-General's portfolio, after the Attorney-General's Department 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 other departmental items, the actual appropriation item is the amount in relation to an agency 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 agency 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 agency 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 agency 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 2010/18 (Transfer of Functions from AGD to DORA) amended the amount opposite "Administered Assets and Liabilities", under the heading "Total", to transfer an amount to the Administered Assets and Liabilities item for the Department of Regional Australia, Regional Development and Local Government.

On 14 September 2010, the Department of Regional Australia, Regional Development and Local Government was created.

[3] Schedule 2, Prime Minister and Cabinet portfolio, Department of Regional Australia, Regional Development and Local Government table, Total for Administered Assets and Liabilities

omit

10,000

insert

57,738.18175

[4] Schedule 2, Prime Minister and Cabinet portfolio, Department of Regional Australia, Regional Development and Local Government table

omit the notes, 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 agency 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 agency 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 agency 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 agency 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 2010/17 – Section 32 (Transfer of Functions from AGD to DORA) amended the amount alongside "Outcome 1", under the heading "Payments to States, ACT, NT and local government", to transfer an amount from the former Department of Infastructure, Transport, Regional Development and Local Government.

The Department of Infrastructure, Transport, Regional Development and Local Government, was renamed and restructured on 14 September 2010. The Department of Regional Australia, Regional Development and Local Government was created on the same date.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/18 — Section 32 (Transfer of Functions from AGD to DORA) inserted "Administered Assets and Liabilities" and the amount alongside "Administered Assets and Liabilities", under the heading "Total", to transfer an amount from the Attorney-General's Department.

Note 4: Financial Management and Accountability Act 1997 Determination 2010/37 – Section 32 (Transfer of Functions from AGD to DORA) amended the amount opposite "Administered Assets and Liabilities", under the heading "Total", to transfer amounts from the Attorney-General's Department.

Schedule 7 Amendment of Appropriation Act (No. 1) 2006-2007

(Clause 9)

[1] Schedule 1, Attorney-General's portfolio, Attorney-General's Department table, alongside Outcome 3 under the heading "Administered Expenses"

omit 23,399.50939 insert

845.3763

[2] Schedule 1, Attorney-General's portfolio, after the Attorney-General's Department 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 2008/07 – Section 32 (Transfer of Functions from AGD to PM&C) amended the amount in this table alongside "Total: Attorney-General's Department", under the heading "Departmental Outputs" to transfer an amount to the Department of Prime Minister and Cabinet.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) amended an amount in this table alongside Outcome 3 under the heading "Administered Expenses", to transfer an amount to the administered item for the Department of Regional Australia, Regional Development and Local Government.

Schedule 8 Amendment of *Appropriation Act* (No. 1) 2007-2008

(Clause 10)

[1] Schedule 1, Attorney-General's portfolio, Attorney-General's Department table, alongside Outcome 3 under the heading "Administered Expenses"

omit 69,213.4032 insert

57,253.06002

[2] Schedule 1, Attorney-General's portfolio, after the Attorney-General's Department table

omit the notes, insert

Note 1: Outcome 3 was inserted by FMA Act Determination 2008/01 – Section 32 (Transfer of Functions from the Department of Infrastructure, Transport, Regional Development and Local Government to the Attorney-General's Department). The 'Totals' in the table have not been adjusted to reflect the amendments made by that Determination.

Note 2: Financial Management and Accountability Act 1997 Determination 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) amended an amount in this table alongside Outcome 3 under the heading "Administered Expenses", to transfer an amount to the administered item for the Department of Regional Australia, Regional Development and Local Government.

Schedule 9 Amendment of *Appropriation Act* (No. 1) 2008-2009

(Clause 11)

[1] Schedule 1, Attorney-General's portfolio, Attorney-General's Department table, alongside Outcome 3 under the heading "Administered Expenses"

omit
111,716
insert
106,922.3172

[2] Schedule 1, Attorney-General's portfolio, after the Attorney-General's Department table

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 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) amended an amount in this table alongside Outcome 3 under the heading "Administered Expenses", to transfer an amount to the administered item for the Department of Regional Australia, Regional Development and Local Government.

Schedule 10 Amendment of *Appropriation Act* (No. 3) 2008-2009

(Clause 12)

[1] Schedule 1, Attorney-General's portfolio, Attorney-General's Department table, alongside Outcome 3 under the heading "Administered Expenses"

omit
14,937
insert
3,255.555

[2] Schedule 1, Attorney-General's portfolio, after the Attorney-General's Department table

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 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) amended an amount in this table alongside Outcome 3 under the heading "Administered Expenses", to transfer an amount to the administered item for the Department of Regional Australia, Regional Development and Local Government.

Schedule 11 Amendment of *Appropriation Act* (No. 1) 2009-2010

(Clause 13)

[1] Schedule 1, Prime Minister and Cabinet portfolio, Department of Regional Australia, Regional Development and Local Government table, between "Outcome 1 – Coordinated community infrastructure and services in rural, regional and local government areas through financial assistance" and "Total: Department of Regional Australia, Regional Development and Local Government"

insert in a new line

Outcome 2 -

Good governance in the Australian Territories through the maintenance and improvement of the overarching legislative framework for self-governing territories, and laws and services for nonself-governing territories 50.989.604.07

[2] Schedule 1, Prime Minister and Cabinet portfolio, after the Department of Regional Australia, Regional Development and Local Government 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 2010/32 — Section 32 (Transfer of Functions from the former DITRDLG to DORA) inserted the Table and the amount under the heading "Administered Expenses" alongside Outcome 1 of the Department of Regional Australia, Regional Development and Local Government, to transfer an amount from the former Department of Infrastructure, Transport, Regional Development and Local Government.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) added "Outcome 2" and, alongside Outcome 2 an amount under the heading "Administered Expenses", to transfer an amount from the Attorney General's Department.

Schedule 12 Amendment of *Appropriation Act* (No. 1) 2010-2011

(Clause 14)

[1] Schedule 1, Attorney-General's portfolio, Attorney-General's Department table, alongside Outcome 2 under the heading "Administered"

omit

50,488

insert

18,004.61584

[2] Schedule 1, Attorney-General's portfolio, after the Attorney-General's Department 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 2010/18 — Section 32 (Transfer of Functions from AGD to DORA) amended two amounts in this table:

- (a) the amount alongside "Total", under the heading "Departmental", to transfer an amount to the Departmental item for the Department of Regional Australia, Regional Development and Local Government; and
- (b) the amount alongside "Outcome 2", under the heading "Administered", to transfer an amount to "Outcome 2" under the heading "Administered" for the Department of Regional Australia, Regional Development and Local Government.

On 14 September 2010 the Department of Regional Australia, Regional Development and Local Government was created.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/37 — Section 32 (Transfer of Functions from AGD to DORA) amended an amount in this table alongside Outcome 2 under the heading "Administered Expenses", to transfer an amount to the administered item for DORA.

[3] Schedule 1, Prime Minister and Cabinet portfolio, Department of Regional Australia, Regional Development and Local Government table, alongside Outcome 2 under the heading "Administered"

omit

69,000

insert

101,483.38416

[4] Schedule 1, Prime Minister and Cabinet portfolio, after the Department of Regional Australia, Regional Development and Local Government table

omit the notes, 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 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 2010/17 – Section 32 (Transfer of Functions from the former DITRDLG to DORA) added a table and two specific amounts:

- (a) the amount alongside "Total", under the heading "Departmental", to transfer an amount to the Departmental item from the former Department of Infrastructure, Transport, Regional Development and Local Government; and
- (b) the amount alongside "Outcome 1", under the heading "Administered", to transfer an amount to Outcome 1 of the Administered item from the former Department of Infrastructure, Transport, Regional Development and Local Government.

The Department of Infrastructure, Transport, Regional Development and Local Government, was renamed to the Department of Infrastructure and Transport and restructured on 14 September 2010. The Department of Regional Australia, Regional Development and Local Government was created on the same date.

Note 3: Financial Management and Accountability Act 1997 Determination 2010/18 — Section 32 (Transfer of Functions from AGD to DORA) amended the amount alongside "Total: Department of Regional Australia, Regional Development and Local Government", under the heading "Departmental", and inserted Outcome 2 and the amount alongside "Outcome 2", under the heading "Administered", to transfer amounts from the Attorney-General's Department.

Note 4: Financial Management and Accountability Act 1997 Determination 2010/22 — Section 32 (Transfer of Functions from the former DITRDLG to DORA) amended the amount alongside "Outcome 1", under the heading "Administered", to transfer an amount to the former Department of Infrastructure, Transport, Regional Development and Local Government.

Note 5: Financial Management and Accountability Act 1997 Determination 2010/23 — Section 32 (Transfer of Functions from the former DITRDLG to DORA) amended the amount alongside "Total: Department of Regional Australia, Regional Development and Local Government", under the heading "Departmental" to transfer an amount from the former Department of Infrastructure, Transport, Regional Development and Local Government.

Note 6: Financial Management and Accountability Act 1997 Determination 2010/37 – Section 32 (Transfer of Functions from AGD to DORA) amended the amount alongside "Outcome 2", under the heading "Administered", to transfer an amount from the Administered item for the Attorney-General's Department.