



Financial Management and Accountability Act 1997 Determination 2012/28 — Section 32 (Transfer of Functions from NNTT to FEDCA)

Financial Management and Accountability Act 1997

I, PETER GIBSON, Acting 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 functions for the operation of the National Native Title Tribunal to the Federal Court of Australia.

Dated 19 October 2012

PETER GIBSON
Acting 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 2012/28 — Section 32 (Transfer of Functions from NNTT to FEDCA)*.

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) “NNTT” – refers to the National Native Title Tribunal.
- (b) “FEDCA” – refers to the Federal Court of Australia.

Note 3: Due to a government decision on 8 March 2012, functions of native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from NNTT to FEDCA. This effectively terminated the NNTT as a separate agency under the FMA Act.

2 Commencement

This Determination commences on the day on which it is made.

3 Amendment of Appropriation Act (No. 1) 2005-2006

Schedule 1 amends *Appropriation Act (No. 1) 2005-2006* to reduce the departmental item for NNTT by \$944,000.00.

4 Amendment of Appropriation Act (No. 3) 2005-2006

Schedule 2 amends *Appropriation Act (No. 3) 2005-2006* to reduce the departmental item for NNTT by \$105,000.00.

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

Schedule 3 amends *Appropriation Act (No. 1) 2006-2007* to reduce the departmental item for NNTT by \$5,900,000.00.

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

Schedule 4 amends *Appropriation Act (No. 1) 2007-2008* to reduce the departmental item for NNTT by \$2,959,417.00.

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

Schedule 5 amends *Appropriation Act (No. 1) 2008-2009* to reduce the departmental item for NNTT by \$656,000.00.

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

Schedule 6 amends *Appropriation Act (No. 1) 2009-2010* to reduce the departmental item for NNTT by \$450,000.00.

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

Schedule 7 amends *Appropriation Act (No. 2) 2010-2011* to reduce an other departmental item (Equity Injections) for NNTT by \$19,350.75.

10 Amendment of *Appropriation Act (No. 1) 2011-2012*

Schedule 8 amends *Appropriation Act (No. 1) 2011-2012* to reduce the departmental item for NNTT by \$2,564,733.29.

11 Amendment of *Appropriation Act (No. 1) 2012-2013*

Schedule 9 amends *Appropriation Act (No. 1) 2012-2013* to increase the departmental item for FEDCA by \$13,579,150.29.

12 Amendment of *Appropriation Act (No. 2) 2012-2013*

Schedule 10 amends *Appropriation Act (No. 2) 2012-2013* to increase an other departmental item (Equity Injections) for FEDCA by \$19,350.75.

Schedule 1 Amendment of *Appropriation Act (No. 1) 2005-2006*

(Clause 3)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

31,908

insert

30,964

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 2 **Amendment of *Appropriation Act (No. 3) 2005-2006***

(Clause 4)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

105

insert

0

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 3 **Amendment of *Appropriation Act (No. 1) 2006-2007***

(Clause 5)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

32,667

insert

26,767

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 4 **Amendment of *Appropriation Act (No. 1) 2007-2008***

(Clause 6)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

33,007

insert

30,047.583

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 5 **Amendment of *Appropriation Act (No. 1) 2008-2009***

(Clause 7)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

32,156

insert

31,500

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 6 **Amendment of *Appropriation Act (No. 1) 2009-2010***

(Clause 8)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs"**

omit

29,682

insert

29,232

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental Outputs", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 7 **Amendment of *Appropriation Act (No. 2) 2010-2011***

(Clause 9)

- [1] Schedule 2, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Equity Injections" under the heading "Total"**

omit

270

insert

250.64925

- [2] Schedule 2, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 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 Outcomes".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Equity Injections" under the heading "Total", to transfer an amount to the other departmental item, Equity Injections, for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 8 **Amendment of *Appropriation Act (No. 1) 2011-2012***

(Clause 10)

- [1] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table, alongside "Total: National Native Title Tribunal" under the heading "Departmental"**

omit

26,620

insert

24,055.26671

- [2] Schedule 1, Attorney-General's portfolio, National Native Title Tribunal table**

Insert after table:

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 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: National Native Title Tribunal" under the heading "Departmental", to transfer an amount to the departmental item for the Federal Court of Australia (FEDCA).

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to FEDCA.

Schedule 9 **Amendment of *Appropriation Act (No. 1) 2012-2013***

(Clause 11)

- [1] Schedule 1, Attorney-General's portfolio, Federal Court of Australia table, alongside "Total: Federal Court of Australia" under the heading "Departmental"**

omit

90,236

insert

103,815.15029

- [2] Schedule 1, Attorney-General's portfolio, Federal Court of Australia table**

Insert after table:

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 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA)* amended in this table the amount alongside "Total: Federal Court of Australia" under the heading "Departmental" to transfer amounts from the National Native Title Tribunal.

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to the Federal Court of Australia.

Schedule 10 **Amendment of *Appropriation Act (No. 2) 2012-2013***

(Clause 12)

[1] **Schedule 2, Attorney-General's portfolio, immediately after the Australian Transaction Reports and Analysis Centre**

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ATTORNEY-GENERAL'S PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (*italic figures*)—2011-2012

	Payments to States, ACT, NT and local government \$'000	New Administered Outcomes \$'000	Total \$'000
Federal Court of Australia			
Non-operating			
Equity Injections	-	-	19.35075
	-	-	-
Total: Federal Court of Australia	-	-	19.35075
	-	-	-

Note 1: Financial Management and Accountability Act 1997 Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA) added this table and the amount alongside “Equity Injections”, under the heading “Total”, to transfer amounts from the National Native Title Tribunal.

Due to a government decision, functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to the Federal Court of Australia.