



Statutory Rules 1997 No. *Λ*

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F.R.L.I.



1997B02816

328/

Financial Management and Accountability Regulations

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Statutory Rules 1997 No. 1

328/

Financial Management and Accountability Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Financial Management and Accountability Act 1997*.

Dated 1 1997.

26 November/

WILLIAM DEANE/
Governor-General

By His Excellency's Command,

1
Minister for Finance and Administration

JOHN FAHEY/

PART 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Financial Management and Accountability Regulations.

Commencement

2. These Regulations commence on the same day as the *Financial Management and Accountability Act 1997*.

Interpretation

3. In these Regulations:

“**Act**” means the *Financial Management and Accountability Act 1997*;

“**agency agreement**” means an agreement for the procurement of goods and services under which an Agency is obliged, or may become obliged, to make a payment of public money to another Agency;

“**approver**” means:

- (a) a Minister or Parliamentary Secretary; or
- (b) a Chief Executive; or
- (c) a person authorised by or under an Act to exercise a function of approving proposals to spend public money;

“**Commonwealth contract**” means an agreement for the procurement of goods and services under which the Commonwealth is obliged, or may become obliged, to make a payment of public money;

“**financial task**” means a task or procedure (other than a task or procedure performed under an agreement or arrangement authorised under paragraph 12 (a), or mentioned in paragraph 12 (b), of the Act) relating to:

- (a) the commitment or spending of public money; or
- (b) the management and control of public money;

“**Finance Chief Executive**” means the Secretary to the Department of Finance and Administration;

“**FMA Orders**” means Orders issued by the Finance Minister under section 63 of the Act;

“**official advance**” means Drawn Money that is under the control of an official to be applied to 1 or more of the following purposes:

- (a) to cash cheques drawn on an official account;
- (b) to give change in connection with the receipt of public money;
- (c) to pay amounts in the nature of operating expenses for an Agency;

- (d) to make payments for a purpose approved by the Finance Chief Executive under regulation 15.

PART 2—AGENCIES

Allocation of certain persons

4. For paragraph (a) or (b) of the definition of “Agency” in section 5 of the Act:

- (a) a member of the Defence Force is allocated to the Department of Defence; and
- (b) an officer, instructor or cadet in the Australian Cadet Corps, the Air Training Corps or the Naval Reserve Cadets is allocated to the Department of Defence; and
- (c) a person employed, under the *Members of Parliament (Staff) Act 1984*, on the staff of an office-holder or a Senator or Member is allocated to the Department of State to which the money out of which the person’s remuneration is paid is appropriated; and
- (d) a person (other than a person appointed or employed under the *Public Service Act 1922*) who performs a financial task for a Department of State is allocated to that Department; and
- (e) a person (other than a person appointed or employed under the *Public Service Act 1922*) who performs a financial task for a Department of the Parliament is allocated to that Department; and
- (f) a person performing, or assisting in the performance of, the functions of the Independent Auditor under Part 7 of the *Auditor-General Act 1997* is allocated to the Department of the Prime Minister and Cabinet.

Prescribed Agencies and Chief Executives

5. (1) For the definition of “prescribed Agency” in section 5 of the Act, the following bodies, organisations and groups of persons are prescribed:

- (a) each body, organisation or group mentioned in an item of the Schedule;

- (b) other persons who perform financial tasks in relation to a function of a person referred to in the item.

(2) For the Act and these Regulations, a prescribed Agency may be known by the name given to it in column 2 of the Schedule.

(3) For the definition of “Chief Executive” in section 5 of the Act, the Chief Executive of a prescribed Agency specified in column 2 in the Schedule is the person from time to time holding or acting in the office specified in column 3 in relation to that Agency.

PART 3—POWERS OF CHIEF EXECUTIVES

Chief Executive’s Instructions (Act, s 52)

6. (1) The Chief Executive of an Agency is authorised to give instructions (to be called “**Chief Executive’s Instructions**”) to officials in that Agency on any matter necessary or convenient for carrying out or giving effect to the Act or these Regulations, and, in particular:

- (a) on any of the following matters:
- (i) handling, spending and accounting for public money;
 - (ii) making commitments to spend public money;
 - (iii) recovering amounts owing to the Commonwealth;
 - (iv) using, or disposing of, public property;
 - (v) acquiring property that is to be public property; and
- (b) for ensuring or promoting:
- (i) the proper use and management of public money, public property and other resources of the Commonwealth; and
 - (ii) proper accountability for the use and management of public money, public property and other resources of the Commonwealth.

- (2) A Chief Executive must not issue an instruction that is inconsistent with:
- (a) the Act; or
 - (b) these Regulations; or
 - (c) FMA Orders.

PART 4—COMMITMENTS TO SPEND PUBLIC MONEY

Commonwealth Procurement Guidelines

7. (1) The Finance Minister may issue guidelines (to be called “**Commonwealth Procurement Guidelines**”) about matters relating to the procurement of property and services, including:
- (a) matters affecting Commonwealth contracts or agency agreements; and
 - (b) the publication of details of Commonwealth contracts and agency agreements; and
 - (c) the disposal of public property.

- (2) Commonwealth Procurement Guidelines must not be inconsistent with:
- (a) the Act; or
 - (b) these Regulations; or
 - (c) FMA Orders.

- (3) Commonwealth Procurement Guidelines may require that a matter must be published in the *Gazette*.

Officials to have regard to guidelines

8. (1) An official performing duties in relation to the procurement of property or services must have regard to the Commonwealth Procurement Guidelines.

- (2) An official who takes action that is not consistent with the Guidelines must make a written record of his or her reasons for doing so.

Approval of spending proposals—principles

9. An approver must not approve a proposal to spend public money (including a notional payment within the meaning of section 6 of the Act) unless the approver is satisfied, after making such inquiries as are reasonable, that the proposed expenditure:

- (a) is in accordance with the policies of the Commonwealth; and
- (b) will make efficient and effective use of the public money; and
- (c) if the proposal is one to spend special public money, is consistent with the terms under which the money is held by the Commonwealth.

Approval of future spending proposals

10. If any of the expenditure under a spending proposal is expenditure for which an appropriation of money is not authorised by the provisions of an existing law or a proposed law that is before the Parliament, an approver must not approve the proposal unless the Finance Minister has given written authorisation for the approval.

Approval of spending proposal—Parliamentary Secretary or official

11. A Parliamentary Secretary or official must not approve a proposal to spend public money unless authorised by a Minister or Chief Executive, or by or under an Act, to approve the proposal.

Approval to be recorded

12. If approval of a proposal to spend public money is not given in writing, the approver must record the terms of the approval in a document as soon as practicable after giving the approval.

[NOTE: “Document” is not limited to paper documents: *Acts Interpretation Act 1901*, s 25.]

Entering into contracts etc

13. A person must not enter into a contract, agreement or arrangement under which public money is, or may become, payable (including a notional payment within the meaning of section 6 of the Act) unless a proposal to spend public money for the proposed contract, agreement or arrangement has been approved under regulation 9 or 10.

Entering into loan guarantees

14. (1) In this regulation:

“loan guarantee” means a guarantee of the due payment of the whole, or a part, of either or both of the principal of, and the interest payable on, a loan.

(2) A person (including a Minister or a Chief Executive) must not give a loan guarantee on behalf of the Commonwealth unless:

- (a) a proposal to spend public money for the guarantee has been approved under regulation 9 or 10; and
- (b) the giving of the guarantee has been authorised by the Finance Minister, or another person authorised by the Finance Minister for the purpose.

PART 5—OFFICIAL ADVANCES

Approval of purpose of official advance

15. (1) The Finance Chief Executive may approve, in writing, a purpose for which payments may be made from a particular official advance.

- (2) An approval has effect:
 - (a) from the date specified for that purpose in the instrument of approval; or
 - (b) if there is no such date—from the date of the approval.

- (3) An approval ceases to have effect:
- (a) if the instrument specifies a date for that purpose—on that date; or
 - (b) if the instrument specifies an event, or an event of a particular kind, for that purpose—on the happening of that event, or an event of that kind; or
 - (c) in any other case—on 30 June next occurring after the approval takes effect.

[NOTE: “Official advance” is defined in regulation 3.]

Conditions for operation of official advances

16. (1) An approval under regulation 15 may be given subject to conditions.

(2) The Finance Chief Executive may vary the conditions at any time.

(3) A conditional approval is of no effect if a condition is contravened.

Result of approvals ceasing to have effect

17. After an approval ceases to have effect, unless a new approval is given, any balance of the relevant official advance that is held by, or in the custody of, an official, or in an official account, must be repaid to the Consolidated Revenue Fund.

Non-repayment of official advance

18. Money that is held by an official as an official advance is excepted from the operation of section 29 of the Act.

[NOTE: Section 29 of the Act deals with lapsing of uncommitted advances.]

PART 6—PROTECTION OF PUBLIC MONEY AND PUBLIC PROPERTY

Guidelines on fraud control

19. (1) The Minister for Justice may issue guidelines (to be called “**Fraud Control Guidelines**”) about the control of fraud, dealing with fraud risk assessments, the preparation and implementation of fraud control plans and arrangements for reporting of fraud.

- (2) Fraud Control Guidelines must not be inconsistent with:
- (a) the Act; or
 - (b) these Regulations; or
 - (c) FMA Orders.

Officials to have regard to guidelines

20. An official performing duties in relation to the control and reporting of fraud must have regard to the Fraud Control Guidelines.

PART 7—BORROWING AND INVESTMENT

Credit cards

21. An arrangement with a bank or other person under subsection 38 (2) of the Act may provide for the issue to, and use by, the Commonwealth of credit cards or credit vouchers.

[NOTE: Section 38 of the Act deals with short-term borrowing by the Commonwealth.]

Investment of public money

22. For paragraph (d) of the definition of *authorised investment* in subsection 39 (8) of the Act, the other forms of investment are:

- (a) a bill of exchange accepted or endorsed only by a bank; and

- (b) a professionally managed money market trust if the Minister is satisfied that:
 - (i) its investments are only those mentioned in paragraph (a), (b) or (c) of the definition of *authorised investment* in subsection 39 (8) of the Act or paragraph (a); and
 - (ii) no charge over the assets of the trust is incurred in support of borrowings.

PART 8—MISCELLANEOUS

Disposal of property found on Commonwealth premises, etc

23. (1) If:

- (a) property (other than money, or property to which subregulation (2) applies) is found on premises, or in an aircraft, vessel, vehicle, container or receptacle, under the control of the Commonwealth; and
- (b) the property is not claimed by its owner within 3 months from the date on which it is so found;

the Commonwealth may dispose of the property.

(2) The Commonwealth may, at any time, dispose of:

- (a) live plants or animals; or
- (b) perishable goods; or
- (c) articles that are, or could be, dangerous or noxious;

found on premises, or in an aircraft, vessel, vehicle, container or receptacle, under the control of the Commonwealth.

(3) The Commonwealth must:

- (a) dispose of the property by sale, unless it is impracticable, or undesirable in the public interest, to do so; and
- (b) pay the proceeds of the sale into the Consolidated Revenue Fund.

- (4) If:
- (a) the Commonwealth has disposed of property by sale; and
 - (b) the person who was the owner of the property immediately before the sale makes a claim on the Commonwealth in respect of the property;

the Commonwealth must pay to the person an amount equal to the amount for which the property was sold less the aggregate of any amounts reasonably spent by the Commonwealth for the storage, maintenance or disposal of the property.

(5) If property is sold by the Commonwealth, any right in respect of the property vested in a person before the sale ceases to exist at the time of the sale.

Finance Minister may delegate powers

24. (1) The Finance Minister may delegate to an official, by written instrument, any of the Finance Minister's powers or functions (other than this power of delegation) under these Regulations.

(2) In exercising powers and functions under a delegation, the official must comply with any directions of the Finance Minister.

Finance Chief Executive may delegate powers

25. (1) The Finance Chief Executive may delegate to an official, by written instrument, any of the Finance Chief Executive's powers or functions (other than this power of delegation) under these Regulations.

(2) In exercising powers and functions under a delegation, the official must comply with any directions of the Finance Chief Executive.

Chief Executive may delegate powers

26. (1) The Chief Executive of an agency may delegate to an official, by written instrument, any of the Chief Executive's powers or functions under these Regulations (including powers delegated to the Chief Executive by the Finance Minister or the Finance Chief Executive, but not including this power of delegation).

(2) In exercising powers and functions under a delegation, the official must comply with any directions of the Chief Executive.

SCHEDULE

Regulation 5

PRESCRIBED AGENCIES

PART 1—PRESCRIBED AGENCIES THAT DO NOT HANDLE
MONEY OTHER THAN PUBLIC MONEY

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 101 | Administrative Appeals Tribunal, comprising: (a) the Registrar of the Administrative Appeals Tribunal; and (b) the Deputy Registrars and staff of the Tribunal mentioned in subsection 24N (1) of the <i>Administrative Appeals Tribunal Act 1975</i> ; and (c) persons made available to the Tribunal under subsection 24N (3) of that Act | Registrar |
| 102 | Affirmative Action Agency, comprising: (a) the Director of Affirmative Action; and (b) the staff mentioned in section 29 of the <i>Affirmative Action (Equal Employment Opportunity for Women) Act 1986</i> ; and (c) consultants engaged under section 30 of that Act | Director of Affirmative Action |
| 103 | AusAid, comprising: (a) the person occupying, or performing the duties of, the office within the Department of Foreign Affairs and Trade known as Director-General of AusAid; and (b) persons appointed or employed under the <i>Public Service Act 1922</i> to assist the Director-General | Director-General |

SCHEDULE—continued

| Column 1 | Column 2 | Column 3 |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Item | Agency | Chief Executive |
| 104 | AUSTRAC, comprising: (a) the Director of AUSTRAC; and (b) the staff mentioned in section 40 of the <i>Financial Transaction Reports Act 1988</i> ; and (c) consultants engaged under section 40A of that Act | Director |
| 105 | Australia-Japan Foundation, comprising: (a) the Chairman and other members of the Australia-Japan Foundation; and (b) the staff mentioned in section 20 of the <i>Australia-Japan Foundation Act 1976</i> ; and (c) other persons engaged under section 22 of that Act | Chairman |
| 106 | Australian Bureau of Statistics, comprising: (a) the Australian Statistician; and (b) the staff mentioned in subsection 16 (1) of the <i>Australian Bureau of Statistics Act 1975</i> ; and (c) persons engaged under subsection 16 (2) of that Act | Australian Statistician |
| 107 | Australian Centre for International Agricultural Research, comprising: (a) the Director of the Australian Centre for International Agricultural Research; and (b) the staff mentioned in sections 30 and 31 of the <i>Australian Centre for International Agricultural Research Act 1982</i> ; and (c) consultants engaged under section 32 of that Act | Director |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 108 | Australian Competition and Consumer Commission, comprising: (a) the Chairperson, members and associate members of the Australian Competition and Consumer Commission; and (b) the staff mentioned in section 27 of the <i>Trade Practices Act 1974</i> ; and (c) consultants engaged under section 27A of that Act | Chairperson |
| 109 | Australian Customs Service, comprising: (a) the Chief Executive Officer of Customs; and (b) the staff mentioned in section 15 of the <i>Customs Administration Act 1985</i> | Chief Executive Officer of Customs |
| 110 | Australian Electoral Commission, comprising: (a) the Electoral Commissioner, the Deputy Electoral Commissioner, and the Australian Electoral Officers; and (b) the staff and other persons mentioned in section 29 of the <i>Commonwealth Electoral Act 1918</i> | Electoral Commissioner |
| 111 | Australian Federal Police, comprising: (a) the Commissioner of Police and the Deputy Commissioner or Deputy Commissioners of Police; and (b) commissioned police officers, non-commissioned police officers, staff members and special members of the Australian Federal Police | Commissioner of Police |

SCHEDULE—continued

| Column 1 | Column 2 | Column 3 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Item | Agency | Chief Executive |
| 112 | Australian Industrial Property Organisation, comprising: (a) the person occupying, or performing the duties of, the position within the Department of Industry, Science and Technology known as the Director- General of the Australian Industrial Property Organisation; and (b) persons appointed or employed under the <i>Public Service Act 1922</i> to assist the Director-General | Director-General |
| 113 | Australian Industrial Registry, comprising: (a) the Industrial Registrar and Deputy Industrial Registrars; and (b) the staff mentioned in section 83 of <i>Industrial Relations Act 1988</i> | Industrial Registrar |
| 114 | Australian National Audit Office, comprising: (a) the Auditor-General; and (b) the staff mentioned in section 37 of the <i>Auditor-General Act 1997</i> ; and (c) persons engaged under section 24 of that Act | Auditor-General |
| 115 | Australian Secret Intelligence Service, comprising: (a) the Director-General of the Australian Secret Intelligence Service; and (b) persons employed by the Director- General | Director-General |
| 116 | Australian Security Intelligence Organisation, comprising: (a) the Director-General of Security; and (b) persons employed under section 84 of the <i>Australian Security Intelligence Organisation Act 1979</i> | Director-General of Security |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 117 | Australian Taxation Office, comprising: (a) the Commissioner of Taxation and the Second Commissioners of Taxation; and (b) persons appointed or employed under the <i>Public Service Act 1922</i> to assist the Commissioner | Commissioner of Taxation |
| 118 | Classification Board, comprising: (a) the Members of the Board referred to in section 46 of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> ; and (b) the staff mentioned in section 54 of that Act; and (c) consultants (if any) engaged under section 55 of that Act | Director |
| 119 | Classification Review Board, comprising the Members of the Board referred to in section 73 of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> | Director of the Classification Board |
| 120 | Commonwealth Ombudsman Office, comprising: (a) the Commonwealth Ombudsman and the Deputy Commonwealth Ombudsmen; and (b) the staff mentioned in section 31 of the <i>Ombudsman Act 1986</i> | Commonwealth Ombudsman |
| 121 | Commonwealth Services Delivery Agency, comprising: (a) the Board of Management established by section 11 of the <i>Commonwealth Services Delivery Act 1997</i> ; and (b) the Chief Executive Officer appointed under section 29 of that Act; and (c) the staff of the Agency employed under subsection 34 (3) of that Act or under the <i>Public Service Act 1922</i> | Chairman |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 122 | ComSuper, comprising: (a) the Commissioner for Superannuation; and (b) the staff mentioned in section 26 of the <i>Superannuation Act 1976</i> | Commissioner for Superannuation |
| 123 | Family Court of Australia, comprising: (a) the Chief Executive Officer of the Family Court of Australia; and (b) the officers and staff of the Registries of the Court (within the meaning of section 38N of the <i>Family Law Act 1975</i>) | Chief Executive Officer |
| 124 | Federal Court of Australia, comprising: (a) the Registrar of the Federal Court of Australia; and (b) other officers and staff of the Registries of the Court (within the meaning of section 18N of the <i>Federal Court of Australia Act 1976</i>) | Registrar |
| 125 | Human Rights and Equal Opportunity Commission, comprising: (a) the President and Commissioners of the Human Rights and Equal Opportunity Commission; and (b) the staff mentioned in section 43 of the <i>Human Rights and Equal Opportunity Commission Act 1988</i> | The Chief Executive is taken to be the members of the Human Rights and Equal Opportunity Commission mentioned in subsection 8 (1) of the <i>Human Rights and Equal Opportunity Act 1986</i> acting together |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 126 | Industrial Relations Court of Australia, comprising: (a) the Registrar of the Industrial Relations Court of Australia; and (b) the officers and staff of the Registries (within the meaning of section 401 of the <i>Industrial Relations Act 1988</i>); and (c) other persons engaged by the Registrar under section 404 of that Act | Registrar |
| 127 | Industry Commission, comprising: (a) the Chairperson and the other Commissioners of the Industry Commission; and (b) the staff mentioned in section 43 of the <i>Industry Commission Act 1989</i> | Chairperson |
| 128 | Insurance and Superannuation Commission, comprising: (a) the Insurance and Superannuation Commissioner; and (b) the staff mentioned in subsections 13 (1) and (2) of the <i>Insurance and Superannuation Commissioner Act 1987</i> ; and (c) consultants engaged under subsection 13 (3) of that Act | Insurance and Superannuation Commissioner |
| 129 | National Capital Planning Authority, comprising: (a) the Chairman and the Chief Executive of the National Capital Planning Authority; and (b) the staff mentioned in section 47 of <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> ; and (c) consultants engaged under section 48 of that Act | Chief Executive |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 130 | National Competition Council, comprising: (a) the President and Members of the Council mentioned in section 29C of the <i>Competition Policy Reform Act 1995</i> ; and (b) the staff mentioned in section 29M of that Act | President |
| 131 | National Crime Authority, comprising: (a) the Chairperson and members of the National Crime Authority; and (b) the staff mentioned in section 47 of the <i>National Crime Authority Act 1984</i> ; and (c) consultants engaged under section 48 of that Act; and (d) persons whose services are made available under section 49 of that Act | Chairperson |
| 132 | National Native Title Registry, comprising: (a) the Native Title Registrar; and (b) the Deputy Registrar or Deputy Registrars appointed by the Registrar under section 130 of the <i>Native Title Act 1993</i> ; and (c) the staff mentioned in section 130 of that Act; and (d) other persons engaged under section 132 of that Act | Native Title Registrar |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 133 | Office of Asset Sales and IT Outsourcing, comprising: (a) the person occupying, or performing the duties of, the office within the Department of Finance and Administration known as the Chief Executive Officer of the Office of Asset Sales and IT Outsourcing; and (b) persons appointed or employed under the <i>Public Service Act 1922</i> to assist the Chief Executive Officer | Chief Executive Officer |
| 134 | Office of Film and Literature Classification, comprising: (a) the Director; and (b) the staff mentioned in section 54 of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> | Director |
| 135 | Office of Government Information Technology, comprising: (a) the person occupying, or performing the duties of, the office within the Department of Finance and Administration known as the Chief Government Information Officer; and (b) persons appointed or employed under the <i>Public Service Act 1922</i> to assist the Chief Government Information Officer | Chief Government Information Officer |
| 136 | Office of National Assessments, comprising: (a) the Director-General of the Office of National Assessments; and (b) the staff mentioned in section 17 of the <i>Office of National Assessments Act 1977</i> ; and (c) consultants engaged under section 55 of that Act | Director-General |

SCHEDULE—continued

| Column 1 | Column 2 | Column 3 |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Item | Agency | Chief Executive |
| 137 | Office of Parliamentary Counsel, comprising: (a) the First Parliamentary Counsel and Second Parliamentary Counsel; and (b) the staff mentioned in section 16 of the <i>Parliamentary Counsel Act 1970</i> | First Parliamentary Counsel |
| 138 | Office of the Director of Public Prosecutions, comprising: (a) the Director of Public Prosecutions; and (b) the Associate Director of Public Prosecutions; and (c) staff mentioned in section 27 of the <i>Director of Public Prosecutions Act 1983</i> ; and (d) persons engaged under section 28 of that Act; and (e) persons whose services are made available to the Director under section 29 of that Act | Director of Public Prosecutions |
| 139 | Office of the Inspector-General of Intelligence and Security, comprising: (a) the Inspector-General of Intelligence and Security; and (b) the staff mentioned in section 32 of the <i>Inspector-General of Intelligence and Security Act 1986</i> | Inspector-General of Intelligence and Security |
| 140 | Office of the Official Secretary to the Governor-General, comprising: (a) the Official Secretary to the Governor-General; and (b) persons employed under section 13 of the <i>Governor-General Act 1974</i> | Official Secretary to the Governor-General |

SCHEDULE—continued

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 141 | Professional Services Review Scheme, comprising: (a) the Director of Professional Services Review and Deputy Directors of Professional Services Review; and (b) the staff mentioned in section 106ZM of the <i>Health Insurance Act 1973</i> ; and (c) persons whose services are made available to the Director under section 106ZN of that Act; and (d) consultants engaged under section 106ZP of that Act | Director of Professional Services Review |
| 142 | Public Service and Merit Protection Commission, comprising: (a) the Public Service Commissioner; and (b) the staff mentioned in section 18B of the <i>Public Service Act 1922</i> ; and (c) the staff mentioned in section 77 of the <i>Merit Protection (Australian Government Employees) Act 1984</i> | Public Service Commissioner |

SCHEDULE—continued

PART 2—PRESCRIBED AGENCIES THAT HANDLE MONEY
OTHER THAN PUBLIC MONEY

| Column 1 Item | Column 2 Agency | Column 3 Chief Executive |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 201 | Aboriginal and Torres Strait Islander Commission, comprising: (a) the Chief Executive Officer of the Aboriginal and Torres Strait Islander Commission; and (b) the staff mentioned in section 55 of the <i>Aboriginal and Torres Strait Islander Commission Act 1989</i> ; and (c) other persons engaged under section 56 of that Act | Chief Executive Officer |
| 202 | Australian Securities Commission, comprising: (a) the Chairperson and other members of the Australian Securities Commission; and (b) the staff mentioned in section 120 of the <i>Australian Securities Commission Act 1989</i> ; and (c) consultants mentioned in section 121 of that Act; and (d) persons whose services are made available to the Commission under section 122 of that Act | Chairperson |

[NOTE: The bodies in this Part are FMA agencies only in regard to public money that they hold—see regulation 5.]

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

3 December /
1997.