

Explanatory Statement

Financial Management and Accountability Act 1997, Section 32 - Adjustments of Appropriations on Change of Agency Functions

The instrument to which this explanatory statement relates

This explanatory statement relates to an instrument (the instrument) entitled “Direction under Section 32, Financial Management and Accountability Act 1997”, dated 16 June 2005 and numbered 42 of 2004-2005.

The legislative authority under which the instrument is made

Section 32 of the *Financial Management and Accountability Act 1997* (the FMA Act) applies if a function of an Agency (the old Agency) becomes a function of another Agency (the new Agency), either because the old Agency is abolished or for any other reason.

Subsection 32(2)(a) of the FMA Act enables the Finance Minister to, amongst other things, issue one or more directions to transfer from the old Agency to the new Agency some or all of an amount that has been appropriated for the performance of that function by the old Agency.

As noted in the FMA Act, the Finance Minister has delegated his power under section 32 to the Chief Executive of the Department of Finance and Administration. By way of an instrument dated 30 November 2004, the Chief Executive of the Department of Finance and Administration has, in turn, delegated the power to the Division Manager, Financial Reporting and Cash Management Division, Financial Management Group.

Purpose of the instrument

The instrument directs that the departmental appropriation of \$15,218,486, initially provided to the Department of Family and Community Services in Appropriation Act (No. 1) 2004-05 and non lapsing appropriations from previous years of \$17,022,422, be transferred to the Department of Human Services.

Background

On 16 December 2004 the Governor-General issued an Administrative Arrangements Order, which was gazetted in Special Notices Gazette No. S 518 of 17 December 2004, making the Department of Human Services responsible for the functions of the Child Support Agency programme.

This section 32 agreement is for the transfer of the remaining Child Support Agency departmental outputs appropriation and accumulated cash held by the Official Public Account for employee leave entitlements relating to Child Support Agency staff.

Appropriation adjustments, pursuant to section 32 of the FMA Act, are required to ensure that appropriation provided to the Department of Family and Community Services for performance of this function is transferred to the Department of Human Services.

Notes on the instrument

The instrument provides that the moneys listed in column 4 of the schedule for the Department of Family and Community Services item be transferred to the Department of Human Services item listed in column 1.