

EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	<i>Financial Management and Accountability Act 1997 Determination 2012/17 – Section 32 (Transfer of Functions from ABCC to FWBII)</i>
Date instrument was made	4 May 2012
The legislative authority under which the instrument is made	<p>Subsection 32(2) of the <i>Financial Management and Accountability Act 1997</i> (FMA Act) enables the Minister for Finance and Deregulation (Finance Minister) to determine that one or more Schedules to one or more Appropriation Acts are amended in relation to the transfer of a function from one agency to another.</p> <p>Under section 62 of the FMA Act the Finance Minister has delegated this power to the Secretary of the Department of Finance and Deregulation (Finance). Under section 53 of the FMA Act, the Secretary of Finance has delegated this power to certain officials within Finance.</p>
Purpose and effect of the instrument	<p>Schedule 1 of this Instrument amends <i>Appropriation Act (No. 1) 2010-2011</i> to:</p> <ul style="list-style-type: none"> • reduce an amount of \$8,500,000.00 of the departmental item for the Office of the Australian Building and Construction Commissioner (ABCC). <p>Schedule 2 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to:</p> <ul style="list-style-type: none"> • reduce an amount of \$35,593,298.00 of the departmental item for ABCC; and • increase an amount of \$44,093,298.00 of the departmental item for the Office of the Fair Work Building Industry Inspectorate (FWBII). <p>The effect of these schedules is to transfer all functions from ABCC to FWBII.</p>
Background	Due to a Government decision, the ABCC is to be abolished as at 31 May 2012 and all functions will be transferred to FWBII.
Notes on the instrument	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , ABCC and FWBII were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i> .
Human Rights Impact Statement	This Instrument is exempt from disallowance under subsection 32(7) of the <i>Financial Management and Accountability Act 1997</i> . As such, a statement of compatibility prepared under subsection 9(1) of the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> is not required in this Explanatory Statement.