



# **Financial Management and Accountability Regulations 1997**

**Statutory Rules 1997 No. 328 as amended**

made under the

*Financial Management and Accountability Act 1997*

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**Regulation 1**

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**Part 1 Preliminary****1 Name of regulations** [see Note 1]

These regulations are the *Financial Management and Accountability Regulations 1997*.

**2 Commencement** [see Note 1]

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

**3 Definitions**

In these regulations:

*Act* means the *Financial Management and Accountability Act 1997*.

*agency agreement* means an agreement for the procurement of property or 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
- (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 property or services under which the Commonwealth is obliged, or may become obliged, to make a payment of public money.

*employee* includes:

- (a) a member of the Defence Force; and
- (b) a statutory office-holder; and
- (c) a person engaged under one of the following Acts (as in force from time to time):
  - (i) the *Air Force Act 1923*;

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- (ii) the *Australian Bureau of Statistics Act 1975*;
- (iii) the *Australian Federal Police Act 1979*;
- (iv) the *Australian Prudential Regulation Authority Act 1998*;
- (v) the *Australian Securities and Investments Commission Act 2001*;
- (vi) the *Australian Security Intelligence Organisation Act 1979*;
- (vii) the *Commonwealth Electoral Act 1918*;
- (viii) the *Defence Act 1903*;
- (ix) the *Director of Public Prosecutions Act 1983*;
- (x) the *Family Law Act 1975*;
- (xi) the *Naval Defence Act 1910*;
- (xii) the *Governor-General Act 1974*;
- (xiii) the *High Court of Australia Act 1979*;
- (xiv) the *Intelligence Services Act 2001*;
- (xv) the *Members of Parliament (Staff) Act 1984*;
- (xvi) the *Office of National Assessments Act 1977*;
- (xvii) the *Parliamentary Service Act 1999*; and
- (xviii) the *Public Service Act 1999*.

***financial task:***

- (a) means a task or procedure relating to the commitment, spending, management or control of public money; and
- (b) does not include a task or procedure of that kind that is performed by an outsider, under an agreement or arrangement authorised under subsection 12 (1) of the Act.

*Note* **Outsider** is defined in section 12 of the Act as any person other than the Commonwealth, an official or a Minister.

**Finance Chief Executive** means the Secretary of the Department of Finance and Deregulation.

**FMA Orders** means Orders issued by the Finance Minister under section 63 of the Act.

**grant** has the meaning given by regulation 3A.

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*spending proposal* means a proposal that could lead to the creation of a contract, agreement or arrangement under which public money is payable or may become payable (including public money that is payable or may become payable in circumstances in which payment would be a notional payment for the purposes of section 6 of the Act).

*Treasury Chief Executive* means the Secretary of the Department of the Treasury.

**3A Meaning of grant**

- (1) In these regulations, a **grant** is an arrangement for the provision of financial assistance by the Commonwealth:
  - (a) under which public money is to be paid to a recipient other than the Commonwealth; and
  - (b) which is intended to assist the recipient achieve its goals; and
  - (c) which is intended to promote 1 or more of the Australian Government's policy objectives; and
  - (d) under which the recipient is required to act in accordance with any terms or conditions specified in the arrangement.
- (2) However, the following arrangements are taken not to be grants:
  - (a) the procurement of property or services by an agency, including the procurement of the delivery of a service by a third party on behalf of an agency;
  - (b) a gift of public property or public money, including an ex gratia payment;
  - (c) a payment of compensation made under:
    - (i) an act of grace arrangement; or
    - (ii) an arrangement for employment compensation; or
    - (iii) a similar arrangement;
  - (d) a payment of benefit to a person, including a payment of an entitlement established by legislation or by a government program;
  - (e) a tax concession or offset;
  - (f) an investment or loan of public money;

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- (g) financial assistance provided to a State in accordance with section 96 of the Constitution;
- (h) a payment to a State or a Territory that is made for the purposes of the *Federal Financial Relations Act 2009*, including the following:
  - (i) General Revenue Assistance;
  - (ii) Other General Revenue Assistance;
  - (iii) National Specific Purpose Payments;
  - (iv) National Partnership Payments;
- (i) a payment that is made for the purposes of the *Local Government (Financial Assistance) Act 1995*;
- (j) a payment that is made for the purposes of the *Schools Assistance Act 2008*;
- (k) a payment that is made for the purposes of the *Higher Education Support Act 2003*.

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**Part 2                      Agencies****4                      Allocation of certain persons to Departments of State and Departments of the Parliament**

- (1) For paragraph (a) of the definition of *Agency* in section 5 of the Act:
- (a) a person who performs a financial task for a Department of State is allocated to that Department; and
  - (b) a member of the Defence Force is allocated to the Department of Defence, unless the member's services are made available to assist the Chief Executive Officer of the Defence Materiel Organisation; and
  - (c) an officer, instructor or cadet in the Australian Air Force Cadets, the Australian Army Cadets, or the Australian Navy Cadets is allocated to the Department of Defence; and
  - (d) 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
  - (e) 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.
- (2) For paragraph (b) of the definition of *Agency* in section 5 of the Act, a person who performs a financial task for a Department of the Parliament is allocated to that Department.
- (3) In subregulation (1):
- Australian Air Force Cadets* means the body continued in existence by section 8 of the *Air Force Act 1923*.
- Australian Army Cadets* means the body continued in existence by section 62 of the *Defence Act 1903*.

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*Australian Navy Cadets* means the body continued in existence by section 38 of the *Naval Defence Act 1910*.

**5 Prescribed Agencies and Chief Executives of prescribed Agencies**

- (1) For the definition of *prescribed Agency* in section 5 of the Act, the combination of:
- (a) a body, organisation or group mentioned in Schedule 1; and
  - (b) any other persons who perform financial tasks in relation to a function of that body, organisation or group;
- is prescribed.

*Note* Under section 5 of the Act, a *prescribed Agency* is a body, organisation or group of persons prescribed by regulations for the purposes of this definition.

- (2) For the Act and these Regulations, a prescribed Agency may be known by the name given to it in column 2 of Schedule 1.
- (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 Schedule 1 is the person from time to time holding or acting in the office specified in column 3 in relation to that Agency.

**5A Business operation of an Agency**

- (1) The Finance Chief Executive may, in writing, determine that an activity, or a class of activities, of an Agency specified in the determination is to be treated as a business operation of the Agency.

*Note* The determination of an activity or activities as a business operation of an Agency has implications for reporting and auditing in relation to financial statements.

- (2) The Finance Chief Executive must publish a determination on the Department's website as soon as practicable after making it.

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**Part 3 Powers of Chief Executives****6 Chief Executive's Instructions (Act, s 52)**

- (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**

### **7                      Commonwealth Procurement Guidelines (Act, s 64)**

- (1) The Finance Minister may issue guidelines (to be called *Commonwealth Procurement Guidelines*) about matters relating to the procurement of property or 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 way set out in the Guidelines.
- (4) An official performing duties in relation to the procurement of property or services must act in accordance with the Commonwealth Procurement Guidelines.

### **7A                      Commonwealth Grant Guidelines (Act, s 64)**

- (1) The Finance Minister may issue guidelines (to be called *Commonwealth Grant Guidelines*) about matters relating to grants administration.
- (2) Commonwealth Grant Guidelines must not be inconsistent with:
  - (a) the Act; or
  - (b) these regulations; or
  - (c) FMA Orders.

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- (3) Commonwealth Grant Guidelines may require that a matter must be published in the way set out in the Guidelines.
- (4) An official performing duties in relation to the administration of grants must act in accordance with the Commonwealth Grant Guidelines.

**9 Approval of spending proposals — principles**

An approver must not approve a spending proposal unless the approver is satisfied, after reasonable inquiries, that giving effect to the spending proposal would be a proper use of Commonwealth resources (within the meaning given by subsection 44 (3) of the Act).

*Note* When this regulation commenced, subsection 44 (3) of the Act defined *proper use* to mean efficient, effective and ethical use that is not inconsistent with the policies of the Commonwealth.

**10 Approval of future spending proposals**

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.

**11 Approval of spending proposals — officials**

An official must not approve a spending proposal unless authorised by a Minister or Chief Executive, or by or under an Act, to approve the proposal.

**12 Recording approval of spending proposal**

- (1) If approval of a spending proposal has not been given in writing:
  - (a) the approver must record the terms of the approval in writing as soon as practicable after giving the approval; and

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(b) if the spending proposal relates to a grant, the approver must include in the record the basis on which the approver is satisfied that the spending proposal complies with regulation 9.

(2) If:

- (a) approval of a spending proposal has been given in writing; and
- (b) the spending proposal relates to a grant; and
- (c) the approver has not recorded in writing the basis on which the approver is satisfied that the spending proposal complies with regulation 9;

the approver must record that basis in writing as soon as practicable after giving the approval.

**13 Entering into contract, agreement or arrangement**

A person must not enter into a contract, agreement or arrangement under which public money is, or may become, payable unless a spending proposal has been approved under regulation 9 and, if necessary, in accordance with regulation 10.

**14 Entering into loan guarantees**

(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 spending proposal for the guarantee has been approved under regulation 9 and, if necessary, in accordance with regulation 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.

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**Part 5 Relevant Agency receipts****15 Relevant Agency receipts**

- (1) Subject to regulation 16, for subsection 31 (1) of the Act, the following kinds of amounts are prescribed:
  - (a) specified amounts received by an Agency;
  - (b) amounts that offset costs of the Agency that receives the amount;
  - (c) amounts received in relation to the participation in, or taking advantage of, a specified program by the Agency that receives the amount;
  - (d) amounts received in relation to the sale of minor departmental assets of the Agency that receives the amount;
  - (e) amounts received in relation to the carrying on of business activities by the Agency that receives the amount.
- (2) For paragraph (1) (a), *specified amounts* means the following:
  - (a) amounts received as sponsorships, grants, subsidies, contributions, gifts or bequests in relation to the departmental activities of the Agency that receives the amount;
  - (b) amounts that are debited from a Special Account, in accordance with the debit purposes of the Special Account;
  - (c) amounts received in relation to an application to the Agency under the *Freedom of Information Act 1982*;
  - (d) amounts received as discounts, monetary incentives or rebates in relation to procurement arrangements;
  - (e) amounts received as insurance recoveries in relation to departmental activities;
  - (f) amounts received by way of, or in satisfaction of a claim for, compensation or damages;
  - (g) amounts received as GST.

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- (3) Subject to subregulation (4), for paragraph (1) (b), **receipts that offset costs** means amounts received by an Agency, to the extent that the amount received offsets costs incurred by the Agency in relation to:
- (a) the sale or hiring out of goods; or
  - (b) the provision by the Agency of either or both of staff and services; or
  - (c) the transfer of annual and long service leave entitlements; or
  - (d) the payment to an employee, consultant, contractor or other person engaged by an Agency of an employee benefit; or
  - (e) the subleasing of real property; or
  - (f) the conduct of litigation or dispute resolution by an Agency; or
  - (g) royalties and licence fees.
- (4) Subregulations (2) and (3) do not apply to an amount received by an Agency if a departmental item has been appropriated for the Agency in relation to the amount received by the Agency.
- (5) For paragraph (1) (c), receipts in relation to an Agency's participation in, or taking advantage of, **a specified program** include amounts received by an Agency:
- (a) in relation to a program that supports employees engaged in national security or defence activities; or
  - (b) in relation to an employment subsidy scheme; or
  - (c) in relation to a rebate of fuel tax, if the fuel tax was paid under a departmental item; or
  - (d) in relation to a refund of fringe benefits tax that was paid in excess of the Agency's legal liability; or
  - (e) in relation to any other program or scheme determined, in writing, by the Finance Minister.
- (6) For paragraph (1) (e), **receipts in relation to an Agency carrying on business activities** means amounts received by an Agency in relation to a business activity that has been conducted in accordance with the Commonwealth competitive neutrality policy, to the extent that the amount received exceeds the cost to the Agency in carrying out the activity.

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- (7) If the total of amounts received by an Agency, in a financial year, in relation to:
- (a) the sale of minor departmental assets; and
  - (b) the Agency carrying on business activities;
- is, in aggregate, 5% of the amount that was appropriated to the Agency, in relation to the relevant departmental item, for the relevant financial year, any further amount is not a kind of amount for subsection 31 (1) of the Act.
- (8) In this regulation:
- minor departmental asset* means an asset of an Agency of which the purchase price is less than \$10 000 000.

**16 Limits on Agency receipts**

- (1) Despite any other regulation, an amount received by way of a tax, levy, fine or penalty is not a kind of amount for subsection 31 (1) of the Act.
- (2) If the Commonwealth competitive neutrality policy applies to the activity of an Agency in relation to which an amount was received, the amount is a kind of amount for subsection 31 (1) of the Act only to the extent to which the activity is undertaken consistent with that policy.
- (3) If the Commonwealth cost recovery policy applies to the activity of an Agency in relation to which an amount was received, the amount is a kind of amount for subsection 31 (1) of the Act only to the extent to which the activity is undertaken consistent with that policy.

## Part 5A                      Protection of public money and public property

### 16A       Guidelines on fraud

- (1) The Minister for Home Affairs 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.
- (3) An official performing duties in relation to the control and reporting of fraud must act in accordance with the Fraud Control Guidelines.

**Regulation 17**

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**Part 6 Banking of public money etc****17 Prompt banking of received money (Act, s 10)**

- (1) An official who:
- (a) receives public money in a bankable currency; or
  - (b) receives money in a bankable currency that becomes public money on receipt;
- must bank the money.

*Note* Section 10 of the Act provides that *money* includes cheques and similar instruments.

- (2) The official must bank the money as soon as practicable, but in any case not later than:
- (a) the next banking day; or
  - (b) a banking day approved by the Chief Executive for this paragraph.

*Note 1* Section 10 of the Act imposes a penalty for a failure to bank public money as required by these Regulations.

*Note 2* Section 11 of the Act provides that an official must not deposit public money in any account other than an official account.

- (3) A **banking day** for a bank is a day on which the bank is open to the public for general banking business, other than:
- (a) a Saturday; or
  - (b) a Sunday; or
  - (c) a day that is a public holiday in the place where the money is received.

**18 Public money in non-bankable currency**

- (1) An official who receives public money in a non-bankable currency must take reasonable steps to safeguard the money.
- (2) In subregulation (1):
- non-bankable currency** means:
- (a) a currency that cannot be banked; or

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**Regulation 19**

- (b) a currency the banking of which would, in the opinion of the Chief Executive of the Agency by which it is received, involve significant costs or administrative difficulty.

*Note 1* Section 10 of the Act imposes a penalty for a failure to bank public money as required by these Regulations.

*Note 2* Section 10 of the Act provides that *money* includes cheques and similar instruments.

**19 Withdrawals from official accounts and internal transfers between accounts (Act, s 13)**

- (1) An official may withdraw an amount from an official account for the purpose of depositing the amount into another official account if no appropriation and drawing right is relied on in relation to the transfer.
- (2) An official may withdraw an amount from an official account for the purpose of establishing or reimbursing a cash advance established for a purpose, and maintained in a manner, approved by the Chief Executive.
- (3) An official may withdraw an amount from an official account for the purpose of spending that amount under an appropriation if the official has been issued with a relevant drawing right under paragraph 27 (1) (a) of the Act.
- (4) In subregulation (2):

*cash advance* means public money, in the custody or control of an official, and held outside an official account, for a purpose of making payments of public money in cash.

*Note 1* Subregulations (1) and (2) authorise officials to make internal transfers (including within an Agency) of public money, in circumstances in which no real or notional payment is being made and no appropriation is required, for example, where an Agency transfers money from one of its own official accounts to another (or to the custody of an official), or money is transferred from the Official Public Account to an Agency's account.

*Note 2* Section 13 of the Act provides that a withdrawal of money from an official account that is not authorised by these Regulations carries a penalty.

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**20 Custody etc of securities (Act, s 40)**

If an official, in the course of carrying out duties as an official, receives bonds, debentures or other securities, the official must:

- (a) issue a receipt for the bonds, debentures or other securities received; and
- (b) maintain a register of all bonds, debentures or other securities received; and
- (c) take reasonable steps to safeguard the bonds, debentures or other securities.

*Note* Section 40 of the Act imposes a penalty for a failure to deal with bonds, debentures or other securities in accordance with these Regulations.

## Part 7                      Borrowing and investment

### 21                      Credit cards (Act, ss 38 and 60)

- (1) 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.

- (2) A Chief Executive may:
- (a) authorise a holder of a Commonwealth credit card to use the Commonwealth credit card to pay a claim that includes both official and coincidental private expenditure; and
  - (b) specify arrangements for the holder of the Commonwealth credit card to reimburse the Commonwealth for that coincidental private expenditure.
- (3) The holder of the Commonwealth credit card must pay to the Commonwealth the amount paid by the Commonwealth for the coincidental private expenditure.
- (4) The amount payable to the Commonwealth under this regulation is recoverable as a debt in a court of competent jurisdiction.
- (5) In this regulation:
- Commonwealth credit card:***
- (a) has the meaning given by subsection 60 (3) of the Act; and
  - (b) includes a Commonwealth credit card number mentioned in subsections 60 (1) and (2) of the Act.

*Note 1* Under section 60 of the Act, use of a Commonwealth credit card or a Commonwealth credit card number otherwise than for official purposes, or not in accordance with an authorisation under these Regulations carries a penalty.

*Note 2* Section 38 of the Act deals with short-term borrowing by the Commonwealth.

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**22 Investment of public money (Act, s 39)**

- (1) For subparagraphs (a) (iv) and (b) (v) of the definition of ***authorised investment*** in subsection 39 (10) of the Act, each of the following is another form of investment:
- (a) a bill of exchange accepted or endorsed only by a bank;
  - (b) a professionally managed money market trust if the Minister or the Treasurer is satisfied that:
    - (i) the only investments managed by the trust are mentioned in subparagraph (a) (i), (ii) or (iii), or (b) (i), (ii) or (iii), of the definition of authorised investment in subsection 39 (10) of the Act, or in paragraph (a); and
    - (ii) a charge over trust assets does not support any borrowings by the trust;
  - (c) a dematerialised security that is the equivalent of an investment mentioned in subparagraph a (iii) or (b) (iii) of the definition of authorised investment in subsection 39 (10) of the Act;
  - (d) a dematerialised security that is the equivalent of an investment mentioned in paragraph (a).

- (2) In subregulation (1):

***dematerialised security*** means a debt obligation that is registered on Austraclear.

*Note* The Austraclear system is operated in accordance with the *Austraclear Regulations of Austraclear Limited*. In mid-2008, this was available on the internet at:

[http://www.asx.com.au/supervision/pdf/sfe\\_operating\\_rules/austraclear\\_system\\_regulations.pdf](http://www.asx.com.au/supervision/pdf/sfe_operating_rules/austraclear_system_regulations.pdf)

## Part 7A Reporting and audit etc

### **22A Preparation of annual financial statements by Finance Minister (Act, s 55)**

- (1) For subsection 55 (1) of the Act, the Finance Minister must prepare annual financial statements in relation to the Commonwealth that include the following:
  - (a) an operating statement;
  - (b) a statement of financial position;
  - (c) a statement of cash flows;
  - (d) notes to the financial statements.
- (2) The annual financial statements mentioned in subregulation (1) must give a true and fair view of:
  - (a) the Commonwealth's financial position at the end of the financial year for which the statements are prepared; and
  - (b) the results of the Commonwealth's operations and cash flows for that financial year.
- (3) If the annual financial statements would not otherwise give a true and fair view of the matters mentioned in subregulation (2), the Finance Minister must add to the financial statements such information and explanations as will give a true and fair view of those matters.
- (4) The Finance Minister must state in the annual financial statements whether, in the Finance Minister's opinion, the financial statements give a true and fair view of the matters mentioned in subregulation (2).

### **22B Audit of Finance Minister's annual financial statements (Act, s 56)**

- (1) For subsection 56 (1) of the Act, the Auditor-General must state in each audit report whether, in the Auditor-General's opinion, the financial statements mentioned in subregulation 22A (1):

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- (a) have been prepared in accordance with regulation 22A; and
  - (b) give a true and fair view of the matters mentioned in subregulation 22A (2).
- (2) If the Auditor-General is not of that opinion, the Auditor-General must state the reasons.

**22C Terms of reference of audit committees (Act, s 46)**

- (1) A Chief Executive must, when establishing an audit committee, give the committee terms of reference that include particulars of:
- (a) the membership of the committee; and
  - (b) the frequency of the meetings of the committee; and
  - (c) the functions and responsibilities of the committee.
- (2) The functions and responsibilities of an audit committee include:
- (a) the approval of internal annual and strategic audit plans of the Agency; and
  - (b) the review of all audit reports involving matters of concern to senior management of the Agency, including the identification and dissemination of good practices; and
  - (c) the provision of advice to the Chief Executive on action to be taken on matters of concern raised in a report of the internal auditors or in a report of the Auditor-General concerning the Agency; and
  - (d) as far as practicable, the coordination of audit programs conducted by internal auditors and the programs conducted by the Auditor-General; and
  - (e) the provision of advice to the Chief Executive on the preparation and review of financial statements of the Agency.
- (3) In subregulation (2):
- Auditor-General* means the Auditor-General for the Commonwealth referred to in section 7 of the *Auditor-General Act 1997*.

**Regulation 22D**

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**22D Estimates**

- (1) A Chief Executive must prepare budget estimates for each financial year, and for any other periods directed by the Finance Chief Executive.
- (2) The estimates must be:
  - (a) prepared in the form specified by the Finance Chief Executive; and
  - (b) provided as required by the Finance Chief Executive.

**Regulation 23**

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**Part 8                      Delegations and found  
property****23                      Disposal of property found on Commonwealth  
premises etc**

- (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 dispose of the property by sale, unless it is impracticable, or undesirable in the public interest, to do so.
- (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.

**Regulation 25A**

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- (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.

**24 Finance Minister may delegate powers**

- (1) The Finance Minister may delegate to an official, by signed instrument, any of the Finance Minister's powers or functions under these regulations.
- (2) In exercising powers and functions under a delegation, the official must comply with any directions of the Finance Minister.

**24A Treasurer may delegate powers**

- (1) The Treasurer may delegate to an official, by signed instrument, any of the Treasurer's powers or functions under these regulations.
- (2) In exercising powers and functions under a delegation, the official must comply with any directions of the Treasurer.

**25 Finance Chief Executive may delegate powers**

- (1) The Finance Chief Executive may delegate to an official, by signed instrument, any of the Finance Chief Executive's powers or functions under these regulations.
- (2) In exercising powers and functions under a delegation, the official must comply with any directions of the Finance Chief Executive.

**25A Treasury Chief Executive may delegate powers**

- (1) The Treasury Chief Executive may delegate to an official, by signed instrument, any of the Treasury Chief Executive's powers or functions under these regulations.
- (2) In exercising powers and functions under a delegation, the official must comply with any directions of the Treasury Chief Executive.

**Regulation 26**

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**26 Chief Executive may delegate powers**

- (1) The Chief Executive of an agency may delegate to an official, by signed instrument, any of the Chief Executive's powers or functions under these regulations (including powers or functions delegated to the Chief Executive by the Finance Minister or the Finance Chief Executive).
- (2) In exercising powers and functions under a delegation, the official must comply with any directions of the Chief Executive.

## Part 9                      **Modified operation of Act and relevant regulations**

### **27                      Modification of Act for intelligence or security agency (Act, s 58)**

The application of the Act to an intelligence or security agency is subject to the modifications set out in Schedule 2.

### **28                      Modifications of Act for prescribed law enforcement agency (Act s 58)**

- (1) For the definition of *prescribed law enforcement agency* in subsection 58 (2) of the Act, the combination of:
  - (a) a body, organisation or group mentioned in Schedule 3; and
  - (b) any other persons who perform financial tasks in relation to a function of that body, organisation or group;is prescribed.
- (2) The application of the Act to a prescribed law enforcement agency is subject to the modifications set out in Schedule 2.
- (3) However, the modifications set out in items [5] to [12] of Schedule 2 do not apply to:
  - (a) a prescribed law enforcement agency (as described in Schedule 3); or
  - (b) any other persons who perform financial tasks in relation to the prescribed law enforcement agency;at any time at which there is no agreement between the Finance Minister and the Minister responsible for the administration of the prescribed law enforcement agency relating to the giving of annual financial statements, and at any time at which an agreement of that kind is not in operation.

**Regulation 28A**

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*Note about annual financial statements of a prescribed law enforcement agency*

If items [5] to [12] of Schedule 2 do not apply to a prescribed law enforcement agency, the agency will be subject to the Finance Minister's Orders in relation to the giving of annual financial statements. Those Orders allow for special arrangements to be made for the agency.

**28A Non-application of relevant regulations to operational money**

- (1) Subregulations 7 (4), 7A (4) and 16A (3) do not apply to an official of:
  - (a) an intelligence or security agency; or
  - (b) a prescribed law enforcement agency;who performs duties in relation to the procurement of property or services, the administration of grants or the control and reporting of fraud.
- (2) Subregulation (1) has effect only to the extent that the public money involved is operational money within the meaning of section 5 of the Act as modified in accordance with Schedule 2.
- (3) Regulation 9 does not apply to a spending proposal by:
  - (a) an intelligence or security agency; or
  - (b) a prescribed law enforcement agency;to spend operational money within the meaning of section 5 of the Act as modified in accordance with Schedule 2.
- (4) In this regulation:

*intelligence or security agency* has the meaning given by subsection 58 (2) of the Act.

*prescribed law enforcement agency* has the meaning given by subsection 58 (2) of the Act.

## Part 10                      Act of grace and probate payments

### 29                      Act of grace payments and waiver of debts (Act, ss 33 and 34)

- (1) If a proposed authorisation under subsection 33 (1) of the Act would involve, or be likely to involve, a total amount of more than \$250 000, the Finance Minister:
  - (a) must ask the persons mentioned in subregulation (3) to give him or her a report on the proposed authorisation, in the capacity of an Advisory Committee; and
  - (b) must not authorise the payment without considering the report of the Advisory Committee.
- (2) If a proposed waiver under subsection 34 (1) of the Act would involve, or be likely to involve, a total amount of more than \$250 000, the Finance Minister:
  - (a) must ask the persons mentioned in subregulation (3) to give him or her a report on the proposed authorisation, in the capacity of an Advisory Committee; and
  - (b) must not authorise the payment without considering the report of the Advisory Committee.
- (3) The persons are:
  - (a) either:
    - (i) the Chief Executive Officer of Customs; or
    - (ii) if the Agency that is responsible for the matter on which the Committee has to report is the Australian Customs and Border Protection Service — a Chief Executive nominated by the Finance Minister; and
  - (b) either:
    - (i) the Secretary to the Department of Finance and Deregulation; or

**Regulation 30**

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- (ii) if the Agency that is responsible for the matter on which the Committee has to report is the Department of Finance and Deregulation — a Chief Executive nominated by the Finance Minister; and
- (c) either:
  - (i) the Chief Executive of the Agency that is responsible for the matter on which the Committee has to report; or
  - (ii) if there is no Agency responsible for the matter — a Chief Executive nominated by the Finance Minister.
- (4) A member of an Advisory Committee may appoint a deputy to act in his or her place.
- (5) An Advisory Committee may prepare its report without having a meeting.

**30 Finance Minister may approve payments pending probate etc**

- (1) If, at the time of a person's death, the Commonwealth owed an amount to the person, the Finance Minister may authorise payment of that amount to the person who the Minister considers should receive the payment.
- (2) The Minister may authorise the payment without requiring production of probate of the will of the deceased person or letters of administration of the estate of the deceased person.
- (3) In deciding who should be paid, the Finance Minister must have regard to the persons who are entitled to the property of the deceased person under the deceased person's will or under the law relating to the disposition of the property of deceased persons.
- (4) Subject to subregulation (5), after the payment is made, the Commonwealth has no further liability in respect of the payment.
- (5) This regulation does not relieve the recipient from a liability to deal with the money in accordance with law.

**Regulation 30**

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- (6) This regulation does not have the effect of appropriating the CRF for the purposes of payments under this regulation.
- (7) This regulation extends to a case in which the deceased person died before the commencement of this regulation.

**Regulation 31**

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## **Part 11                      Transferring leave entitlements — payments when employees move between Agencies etc**

### **31                      Application of Part 11**

- (1) This Part applies if
- (a) an employee in an Agency (the *old employer*) moves to another Agency, a Commonwealth authority or the High Court of Australia, (the *new employer*); and
  - (b) some or all of the employee's accrued leave entitlements are transferred to the new employer as part of the employee's move; and
  - (c) the move is not a direct consequence of the transfer of a government function.

*Note* **Agency** is defined in section 5 of the Act. It includes a Department of State, a Department of the Parliament and an Agency prescribed by the FMA Regulations.

- (2) In this regulation:

**Commonwealth authority** has the same meaning as in the *Commonwealth Authorities and Companies Act 1997*.

### **32                      Agencies to co-operate**

The old employer must give reasonable assistance necessary for the new employer to prepare the invoice for the purposes of regulation 33, including information in writing about the employee's entitlements.

### **33                      Payment within 30 days of a correctly rendered invoice**

- (1) Within 30 days of the receipt of a correctly rendered invoice from the new employer, the old employer must pay to the new employer an amount equal to the sum of the value, worked out

**Regulation 34**

on the basis of the employee’s salary immediately before leaving the old employer, of:

- (a) the employee’s annual leave entitlement at that time; and
- (b) 95% of the employee’s long service leave entitlement at that time.

*Note* Where, for example, an employee has moved from the old employer to the new employer for a short period (and will be returning to the old employer), the employers may agree that it is not efficient for the new employer to send an invoice and for the old employer to pay an amount under this regulation (as long as the employee will not be deprived of access to relevant leave).

- (2) In subregulation (1):

***long service leave entitlement***, for an employee, means:

- (a) the period of long service leave to which the employee is legally entitled; or
- (b) if the employee is not legally entitled to any long service leave — the amount worked out by multiplying the notional amount of long service leave to which the employee is entitled for a year of service by the weighting factor set out in the following table that applies to the number of years of service the employee has completed.

<b>Years of service</b>	<b>Weighting factor</b>
Less than 1	0.5
At least 1 but less than 2	0.6
At least 2 but less than 4	0.7
At least 4 but less than 6	0.8
At least 6 but less than 8	0.9
At least 8	1.0

**34 Specific rules affecting members of the Defence Force**

- (1) If:
  - (a) the employee was engaged by the old employer as a member of the Defence Force; and
  - (b) the employee is engaged by the new employer in a capacity other than as a member of the Defence Force; and

**Regulation 34**

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- (c) the employee is not legally entitled to any long service leave immediately before becoming engaged in the new employer; and
- (d) the employee's salary, immediately before moving from the old employer, is greater than the employee's salary immediately on moving to the new employer;

the value of the employee's long service leave entitlement is to be worked out on the basis of the employee's salary immediately on moving to the new employer.

- (2) In subregulation (1):

*long service leave entitlement*, for an employee, has the meaning given by subregulation 33 (2).

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## Schedule 1 Prescribed agencies

(regulation 5)

### Part 1 Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
101	Administrative Appeals Tribunal, comprising: (a) the Registrar of the Administrative Appeals Tribunal; and (b) the District Registrars, the Conference Registrars, the Deputy Registrars and the staff of the Tribunal mentioned in subsection 24N (3) of the <i>Administrative Appeals Tribunal Act 1975</i> ; and (c) persons made available to the Tribunal under subsection 24N (4) of that Act <i>See Note B</i>	Registrar
102	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 engaged under the <i>Public Service Act 1999</i> to assist the Director-General	Director-General
103	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	Australian Statistician

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
	(c) persons engaged under subsection 16 (2) of that Act	
	<i>See Note B</i>	
104	Australian Centre for International Agricultural Research ( <i>ACIAR</i> ), comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of ACIAR established under section 4A of the <i>Australian Centre for International Agricultural Research Act 1982</i>; and</li> <li>(b) commissioners appointed under Part III of that Act; and</li> <li>(c) members of the Policy Advisory Council listed in section 19 of that Act; and</li> <li>(d) the staff mentioned in sections 30 and 31 of that Act; and</li> <li>(e) consultants engaged under section 32 of that Act.</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
105	Australian Commission for Law Enforcement Integrity (ACLEI) comprising the staff members mentioned in section 11 of the <i>Law Enforcement Integrity Commissioner Act 2006</i>	Integrity Commissioner
	<i>See Note B</i>	
106	Australian Communications and Media Authority (the <i>ACMA</i> ), comprising: <ul style="list-style-type: none"> <li>(a) the Chair, the Deputy Chair, the other members and the associate members of the ACMA; and</li> <li>(b) the staff mentioned in subsection 54 (1) of the <i>Australian Communications and Media Authority Act 2005</i>; and</li> </ul>	Chair

Item	Agency	Chief Executive
	(c) persons whose services are made available for the purposes of the ACMA under subsection 55 (1) of that Act	
	<i>See Note B</i>	
107	Australian Competition and Consumer Commission, comprising: <ul style="list-style-type: none"> <li>(a) the Chairperson, members and associate members of the Australian Competition and Consumer Commission; and</li> <li>(b) the staff mentioned in section 27 of the <i>Trade Practices Act 1974</i>; and</li> <li>(c) consultants engaged under section 27A of that Act; and</li> <li>(d) a person taken to be a member, or an associate member, of the Australian Energy Regulator under section 8AB or 44AM of that Act; and</li> <li>(e) the persons made available to assist the Australian Energy Regulator under paragraph 44AAC (a) of that Act; and</li> <li>(f) consultants made available to assist the Australian Energy Regulator under paragraph 44AAC (b) of that Act</li> </ul>	Chairperson
	<i>See Note B</i>	
108	Australian Crime Commission, comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer and examiners of the Australian Crime Commission; and</li> <li>(b) the staff mentioned in section 47 of the <i>Australian Crime Commission Act 2002</i>; and</li> </ul>	Chief Executive Officer

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

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Item	Agency	Chief Executive
	(c) consultants engaged under section 48 of that Act; and	
	(d) persons whose services are made available under section 49 of that Act	
	<i>See Note B</i>	
109	Australian Customs and Border Protection Service, comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of Customs; and</li> <li>(b) the staff mentioned in section 15 of the <i>Customs Administration Act 1985</i></li> </ul>	Chief Executive Officer of Customs
	<i>See Note B</i>	
110	Australian Electoral Commission, comprising: <ul style="list-style-type: none"> <li>(a) the Electoral Commissioner, the Deputy Electoral Commissioner, and the Australian Electoral Officers; and</li> <li>(b) the staff and other persons mentioned in section 29 of the <i>Commonwealth Electoral Act 1918</i></li> </ul>	Electoral Commissioner
	<i>See Note B</i>	
112	Australian Federal Police, comprising: <ul style="list-style-type: none"> <li>(a) the Commissioner of Police and any Deputy Commissioner of Police appointed under the <i>Australian Federal Police Act 1979</i>; and</li> <li>(b) AFP employees, special members and special protective service officers of the Australian Federal Police, within the meaning of that Act</li> </ul>	Commissioner of Police
114	Australian Fisheries Management Authority, comprising: <ul style="list-style-type: none"> <li>(a) the Chairperson of the Commission, the other part-time commissioners and the CEO mentioned in subsection 12 (1) of the <i>Fisheries Administration Act 1991</i>; and</li> </ul>	Chief Executive Officer

Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(b) the members of a committee established under section 54 of that Act; and</li> <li>(c) the members of a management advisory committee established under subsection 56 (1) of that Act; and</li> <li>(d) the members of a sub-committee established by a management advisory committee under paragraph 58 (1A) (a) of that Act; and</li> <li>(e) the staff assisting the CEO mentioned in section 68 of that Act; and</li> <li>(f) consultants engaged under section 69 of that Act; and</li> <li>(g) persons engaged under contract to assist the Authority.</li> </ul>	
	<i>See Note B</i>	
114A	Australian Human Rights Commission, comprising: <ul style="list-style-type: none"> <li>(a) the members of the Commission mentioned in subsection 8 (1) of the <i>Australian Human Rights Commission Act 1986</i>; and</li> <li>(b) the staff mentioned in section 43 of the <i>Australian Human Rights Commission Act 1986</i></li> </ul>	President
	<i>See Note B</i>	
115	Australian Institute of Family Studies (AIFS), comprising: <ul style="list-style-type: none"> <li>(a) the Director of the AIFS; and</li> <li>(b) the staff mentioned in section 114M of the <i>Family Law Act 1975</i></li> </ul>	Director
	<i>See Note B</i>	
116	Australian National Audit Office, comprising: <ul style="list-style-type: none"> <li>(a) the Auditor-General; and</li> </ul>	Auditor-General

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

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Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(b) the staff mentioned in section 40 of the <i>Auditor-General Act 1997</i>; and</li> <li>(c) persons engaged under section 27 of that Act</li> </ul> <p><i>See Note B</i></p>	
117	<p>Australian Office of Financial Management (AOFM), comprising:</p> <ul style="list-style-type: none"> <li>(a) the person occupying, or performing the duties of, the office known as the Chief Executive of AOFM; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Chief Executive</li> </ul>	Chief Executive of AOFM
117A	<p>Australian Organ and Tissue Donation and Transplantation Authority, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer appointed under section 14 of the <i>Australian Organ and Tissue Donation and Transplantation Authority Act 2008</i>; and</li> <li>(b) the staff mentioned in section 25 of that Act; and</li> <li>(c) consultants engaged under section 26 of that Act; and</li> <li>(d) persons whose services are made available to the Chief Executive Officer under section 27 of that Act; and</li> <li>(e) the members of the Advisory Council mentioned in section 33 of that Act; and</li> <li>(f) any member of an expert advisory committee mentioned in section 46 of that Act</li> </ul> <p><i>See Note B</i></p>	Chief Executive Officer

Item	Agency	Chief Executive
118	Australian Pesticides and Veterinary Medicines Authority ( <i>APVMA</i> ), comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer appointed under section 33 of the <i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>; and</li> <li>(b) the Advisory Board established under section 14 of that Act; and</li> <li>(c) staff mentioned in section 45 of that Act; and</li> <li>(d) persons whose services are made available to APVMA under section 46 of that Act; and</li> <li>(e) consultants engaged under section 47 of that Act.</li> </ul> <i>See Note B</i>	Chief Executive Officer
119	Australian Prudential Regulation Authority ( <i>APRA</i> ), comprising: <ul style="list-style-type: none"> <li>(a) the Chair of APRA appointed under section 18 of the <i>Australian Prudential Regulation Authority Act 1998</i>; and</li> <li>(b) members appointed under section 16 of that Act; and</li> <li>(c) staff mentioned in subsection 45 (1) of that Act; and</li> <li>(d) persons whose services are made available to APRA under section 46 of that Act; and</li> <li>(e) consultants engaged under section 47 of that Act.</li> </ul>	Chair
120	Australian Public Service Commission (APS Commission), comprising: <ul style="list-style-type: none"> <li>(a) the Public Service Commissioner; and</li> </ul>	Public Service Commissioner

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

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Item	Agency	Chief Executive
	(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Commissioner	
	<i>See Note B</i>	
121	Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of ARPANSA; and</li> <li>(b) the staff mentioned in section 58 of the <i>Australian Radiation Protection and Nuclear Safety Act 1998</i></li> </ul>	Chief Executive Officer of ARPANSA
	<i>See Note B</i>	
122	Australian Research Council, established by subsection 5 (1) of the <i>Australian Research Council Act 2001</i>	Chief Executive Officer
	<i>See Note B</i>	
123	Australian Secret Intelligence Service, comprising: <ul style="list-style-type: none"> <li>(a) the Director-General of the Australian Secret Intelligence Service; and</li> <li>(b) persons employed by the Director-General</li> </ul>	Director-General
124	Australian Securities and Investments Commission, comprising: <ul style="list-style-type: none"> <li>(a) the Chairperson and other members of the Commission; and</li> <li>(b) the staff mentioned in section 120 of the <i>Australian Securities and Investments Commission Act 2001</i>; and</li> <li>(c) consultants engaged under section 121 of that Act; and</li> <li>(d) persons whose services are made available to the Commission under section 122 of that Act.</li> </ul>	Chairperson
	<i>See Note B</i>	

Item	Agency	Chief Executive
125	<p>Australian Security Intelligence Organisation, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Director-General of Security; and</li> <li>(b) persons employed under section 84 of the <i>Australian Security Intelligence Organisation Act 1979</i></li> </ul>	Director-General of Security
126	<p>Australian Sports Anti-Doping Authority (the ASADA), comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of the ASADA appointed under section 24A of the Australian Sports Anti-Doping Authority Act 2006; and</li> <li>(b) the staff mentioned in section 24L of that Act; and</li> <li>(c) persons assisting the Chief Executive Officer under section 24M of that Act; and</li> <li>(d) members of advisory committees mentioned in section 24P of that Act; and</li> <li>(e) members of the Advisory Group of the ASADA appointed under section 27 of that Act; and</li> <li>(f) members of the Anti-Doping Rule Violation Panel appointed under section 43 of that Act</li> </ul> <p><i>See Note B</i></p>	Chief Executive Officer
127	<p>Australian Taxation Office, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Commissioner of Taxation and the Second Commissioners of Taxation; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Commissioner</li> </ul> <p><i>See Note B</i></p>	Commissioner of Taxation

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

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<b>Item</b>	<b>Agency</b>	<b>Chief Executive</b>
128	<p>Australian Trade Commission (Austrade), comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer mentioned in section 7B of the <i>Australian Trade Commission Act 1985</i>; and</li> <li>(b) the staff mentioned in section 60 of that Act; and</li> <li>(c) consultants engaged under section 62 of that Act</li> </ul> <p><i>See Note B</i></p>	Chief Executive Officer
129	<p>Australian Transaction Reports and Analysis Centre (<b>AUSTRAC</b>), comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of AUSTRAC; and</li> <li>(b) the staff mentioned in section 224 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>; and</li> <li>(c) consultants engaged under subsection 225 (1) of that Act; and</li> <li>(d) the persons whose services are made available to the Chief Executive Officer of AUSTRAC under subsection 225 (3) of that Act.</li> </ul> <p><i>See Note B</i></p>	Chief Executive Officer
129A	<p>Australian Transport Safety Bureau (<b>ATSB</b>), comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of the ATSB; and</li> <li>(b) the Commissioners mentioned in section 12A of the <i>Transport Safety Investigation Act 2003</i>; and</li> <li>(c) the staff mentioned in section 16 of that Act; and</li> </ul>	Chief Executive Officer

Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(d) persons assisting the ATSB as mentioned in section 16A of that Act; and</li> <li>(e) consultants engaged under section 16B of that Act; and</li> <li>(f) special investigators appointed under section 63E of that Act</li> </ul>	
130	Bureau of Meteorology, comprising: <ul style="list-style-type: none"> <li>(a) the Director mentioned in section 5 of the <i>Meteorology Act 1955</i>; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Director</li> </ul>	Director
	<i>See Note A</i>	
132	Cancer Australia, comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer appointed under section 14 of the <i>Cancer Australia Act 2006</i>; and</li> <li>(b) the staff mentioned in section 8 of that Act; and</li> <li>(c) consultants (if any) engaged under section 9 of that Act; and</li> <li>(d) the Advisory Council established under section 24 of that Act</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
133	Centrelink (Commonwealth Services Delivery Agency), comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer appointed under section 29 of the <i>Commonwealth Services Delivery Agency Act 1997</i>; and</li> <li>(b) the staff mentioned in subsection 35 (1) of that Act; and</li> <li>(c) consultants (if any) engaged under subsection 37 (1) of that Act</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	

Item	Agency	Chief Executive
134	Commonwealth Grants Commission, comprising: (a) the Chairperson and members of the Commonwealth Grants Commission; and (b) persons engaged under the <i>Public Service Act 1999</i> to assist the Commission	Secretary of the Commission
135	ComSuper, comprising: (a) the Commissioner for Superannuation; and (b) the staff mentioned in section 26 of the <i>Superannuation Act 1976</i> <i>See Note B</i>	Commissioner for Superannuation
136	Corporations and Markets Advisory Committee ( <i>CAMAC</i> ), comprising: (a) the Convenor and other members appointed under section 147 of the <i>Australian Securities and Investments Commission Act 2001</i> ; and (b) the staff mentioned in section 156 of that Act; and (c) consultants engaged under section 157 of that Act; and (d) persons whose services are made available to CAMAC under section 158 of that Act. <i>See Note B</i>	Convenor
137	CrimTrac Agency, comprising: (a) the Chief Executive Officer; and (b) persons engaged under the <i>Public Service Act 1999</i> to assist the Chief Executive Officer <i>See Note A</i>	Chief Executive Officer

Item	Agency	Chief Executive
139	Defence Materiel Organisation, comprising: (a) the Chief Executive Officer; and (b) persons engaged under the <i>Public Service Act 1999</i> to assist the Chief Executive Officer; and (c) members of the Defence Force whose services are made available to assist the Chief Executive Officer	Chief Executive Officer
140	Equal Opportunity for Women in the Workplace Agency, comprising: (a) the Director of the Equal Opportunity for Women in the Workplace Agency; and (b) persons mentioned in section 29 of the <i>Equal Opportunity for Women in the Workplace Act 1999</i> ; and (c) consultants engaged under section 30 of that Act to assist the Director  <i>See Note B</i>	Director
141	Fair Work Australia ( <i>FWA</i> ), comprising: (a) the General Manager of Fair Work Australia appointed under section 660 of the <i>Fair Work Act 2009</i> ; and (b) the staff mentioned in section 670 of that Act; and (c) persons assisting FWA as mentioned in section 672 of that Act; and (d) consultants engaged under section 673 of that Act	General Manager
142	Family Court of Australia, comprising: (a) the Chief Executive Officer of the Family Court of Australia; and	Chief Executive Officer

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
	(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> )	
	<i>See Note B</i>	
143	Federal Court of Australia, comprising: <ul style="list-style-type: none"> <li>(a) the Registrar of the Federal Court of Australia; and</li> <li>(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>)</li> </ul>	Registrar
	<i>See Note B</i>	
144	Federal Magistrates Court of Australia, comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of the Federal Magistrates Court of Australia; and</li> <li>(b) the staff of the Federal Magistrates Court of Australia engaged under the <i>Public Service Act 1999</i></li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
145	Future Fund Management Agency, comprising: <ul style="list-style-type: none"> <li>(a) the Chair of the Future Fund Board of Guardians appointed under section 38 of the <i>Future Fund Act 2006</i>; and</li> <li>(b) the staff mentioned in section 77 of that Act; and</li> <li>(c) consultants engaged (if any) and persons seconded to the Agency (if any) under section 78 of that Act</li> </ul>	Chair of the Future Fund Board of Guardians
	<i>See Note B</i>	
146	Geoscience Australia, comprising: <ul style="list-style-type: none"> <li>(a) the office known as the Chief Executive of Geoscience Australia; and</li> </ul>	Chief Executive of Geoscience Australia

Item	Agency	Chief Executive
	(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Chief Executive	
147	Great Barrier Reef Marine Park Authority, comprising: <ul style="list-style-type: none"> <li>(a) the Chairperson and members of the Authority appointed under section 10 of the <i>Great Barrier Reef Marine Park Act 1975</i>; and</li> <li>(b) the staff mentioned in subsection 40 (1) of that Act; and</li> <li>(c) other persons engaged under section 41 of that Act; and</li> <li>(d) the State and local government officers and employees mentioned in subsection 42 (1) of that Act; and</li> <li>(e) the officers and employees of Commonwealth Agencies and authorities mentioned in subsection 42 (2) of that Act.</li> </ul> <p><i>See Note B</i></p>	Chairperson
149	Insolvency and Trustee Service Australia (ITSA), comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive of ITSA; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Chief Executive</li> </ul> <p><i>See Note A</i></p>	Chief Executive
150	Inspector-General of Taxation, comprising: <ul style="list-style-type: none"> <li>(a) the Inspector-General of Taxation mentioned in section 6 of the <i>Inspector-General of Taxation Act 2003</i>; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Inspector-General of Taxation; and</li> </ul>	Inspector-General of Taxation

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
	(c) persons made available to the Inspector-General of Taxation under subsection 36 (3) of the <i>Inspector-General of Taxation Act 2003</i> ; and	
	(d) consultants engaged under subsection 36 (4) of the <i>Inspector-General of Taxation Act 2003</i>	
	<i>See Note B</i>	
151	IP Australia, comprising: <ul style="list-style-type: none"> <li>(a) the Director-General of IP Australia; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Director-General</li> </ul>	Director-General
152	Medicare Australia comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer appointed under section 8AG of the <i>Medicare Australia Act 1973</i>; and</li> <li>(b) the staff mentioned in subsection 20 (1) of that Act; and</li> <li>(c) consultants (if any) engaged under subsection 21 (1) of that Act</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
153	Migration Review Tribunal and Refugee Review Tribunal (MRT–RRT) comprising: <ul style="list-style-type: none"> <li>(a) the Principal Member, Senior Members and other members of the Migration Review Tribunal (MRT) mentioned in section 395 of the <i>Migration Act 1958</i>; and</li> <li>(b) the Registrar, Deputy Registrars and other officers of the MRT mentioned in section 407 of that Act; and</li> </ul>	Principal Member of the RRT

Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(c) the Principal Member, Deputy Principal Member, Senior Members and other members of the Refugee Review Tribunal (RRT) mentioned in section 458 of the <i>Migration Act 1958</i>; and</li> <li>(d) the Registrar and other officers of the RRT mentioned in section 472 of that Act</li> </ul>	
154	<p>Murray-Darling Basin Authority, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive, Authority Chair and other members of the Authority mentioned in section 177 of the <i>Water Act 2007</i>; and</li> <li>(b) the members of the Basin Officials Committee defined in section 18A of that Act; and</li> <li>(c) the members of the Basin Community Committee established under section 202 of that Act; and</li> <li>(d) the members of any other advisory committee established under section 203 of that Act; and</li> <li>(e) the staff mentioned in section 206 of that Act; and</li> <li>(f) persons whose services are made available to the Authority under section 207 of that Act; and</li> <li>(g) any authorised officer appointed under section 217 of that Act</li> </ul> <p><i>See Note B</i></p>	Chief Executive
155	<p>National Archives of Australia, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Director-General; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Director-General</li> </ul> <p><i>See Note A</i></p>	Director-General

Item	Agency	Chief Executive
156	<p>National Blood Authority, comprising:</p> <ul style="list-style-type: none"> <li>(a) the General Manager of the National Blood Authority; and</li> <li>(b) the staff mentioned in section 36 of the <i>National Blood Authority Act 2003</i>; and</li> <li>(c) consultants engaged under section 37 of that Act</li> </ul> <p><i>See Note B</i></p>	General Manager
157	<p>National Capital Authority, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chairman and the Chief Executive of the Authority; and</li> <li>(b) the staff mentioned in section 47 of Australian Capital Territory (Planning and Land Management) Act 1988; and</li> <li>(c) consultants engaged under section 48 of that Act</li> </ul> <p><i>See Note B</i></p>	Chief Executive
158	<p>National Competition Council, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Council President and the Councillors mentioned in section 29C of the <i>Trade Practices Act 1974</i>; and</li> <li>(b) the staff mentioned in section 29M of that Act; and</li> <li>(c) the persons engaged under section 29N of that Act</li> </ul> <p><i>See Note B</i></p>	Council President
159	<p>National Health and Medical Research Council (NHMRC) comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer mentioned in section 6 of the <i>National Health and Medical Research Council Act 1992</i>; and</li> <li>(b) the Chair and other members of the Council of the NHMRC mentioned in section 20 of that Act; and</li> </ul>	Chief Executive Officer

Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(c) the members of Principal Committees established under section 35 of that Act; and</li> <li>(d) the members of any working committees established under section 39 of that Act; and</li> <li>(e) the staff mentioned in section 45 of that Act; and</li> <li>(f) consultants engaged under section 46 of that Act; and</li> <li>(g) the Commissioner of Complaints mentioned in section 55 of that Act; and</li> <li>(h) a person assisting:               <ul style="list-style-type: none"> <li>(i) the Chief Executive Officer; or</li> <li>(ii) the Council; or</li> <li>(iii) a committee; or</li> <li>(iv) the Commissioner of Complaints; in the performance of functions under the Act; and</li> </ul> </li> <li>(i) members of the NHMRC Licensing Committee established under section 13 of the <i>Research Involving Human Embryos Act 2002</i></li> </ul>	
	<i>See Note B</i>	
160	National Native Title Tribunal, comprising: <ul style="list-style-type: none"> <li>(a) the Native Title Registrar, and</li> <li>(b) the Deputy Registrar or Deputy Registrars appointed by the Registrar under section 130 of the <i>Native Title Act 1993</i>; and</li> <li>(c) the staff mentioned in section 130 of that Act; and</li> <li>(d) other persons engaged under section 132 of that Act</li> </ul>	Native Title Registrar
	<i>See Note B</i>	

Item	Agency	Chief Executive
161	<p>National Offshore Petroleum Safety Authority (NOPSA), established by section 150XD of the <i>Petroleum (Submerged Lands) Act 1967</i>, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of NOPSA; and</li> <li>(b) the staff mentioned in subsection 150YH (1) of that Act; and</li> <li>(c) consultants engaged under subsection 150YI (1) of that Act; and</li> <li>(d) the officers and employees mentioned in subsection 150YI (3) of that Act</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
162	<p>National Water Commission, established by section 6 of the <i>National Water Commission Act 2004</i>, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer and Commissioners of the National Water Commission; and</li> <li>(b) the staff mentioned in subsection 35 (1) of that Act; and</li> <li>(c) the officers and employees mentioned in subsections 36 (1) and (2) of that Act; and</li> <li>(d) the consultants engaged under subsection 37 (1) of that Act</li> </ul>	Chief Executive Officer
	<i>See Note B</i>	
163	<p>Office of the Auditing and Assurance Standards Board, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chair and other members of the Auditing and Assurance Standards Board (AUASB) mentioned in section 236F of the <i>Australian Securities and Investments Commission Act 2001</i>; and</li> <li>(b) the staff mentioned in section 236DC of that Act; and</li> </ul>	Chair of the AUASB

Item	Agency	Chief Executive
164	<p>(c) consultants engaged under subsection 236DD (1) of that Act; and</p> <p>(d) persons whose services are made available to the Office under subsection 236DD (3) of that Act; and</p> <p>(e) committees, advisory panels and consultative groups established under paragraph 227AB (2) (a) of that Act; and</p> <p>(f) committees, advisory panels and consultative groups established under subsection 227B (2) of that Act</p> <p>Office of the Australian Accounting Standards Board, comprising:</p> <p>(a) the Chair and other members of the Australian Accounting Standards Board (AASB) mentioned in section 236B of the <i>Australian Securities and Investments Commission Act 2001</i>; and</p> <p>(b) the staff mentioned in section 235E of that Act; and</p> <p>(c) consultants engaged under subsection 235F (1) of that Act; and</p> <p>(d) persons whose services are made available to the Office of the AASB under subsection 235F (3) of that Act; and</p> <p>(e) committees, advisory panels and consultative groups established under paragraph 226A (2) (a) of that Act; and</p> <p>(f) committees, advisory panels and consultative groups established under subsection 227 (3) of that Act</p>	Chair of the AASB
165	<p>Office of National Assessments, comprising:</p> <p>(a) the Director-General of the Office of National Assessments; and</p>	Director-General

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
	(b) the staff mentioned in section 17 of the <i>Office of National Assessments Act 1977</i>	
	<i>See Note B</i>	
166	Office of Parliamentary Counsel, comprising: <ul style="list-style-type: none"> <li>(a) the First Parliamentary Counsel and Second Parliamentary Counsel; and</li> <li>(b) the staff mentioned in section 16 of the <i>Parliamentary Counsel Act 1970</i></li> </ul>	First Parliamentary Counsel
	<i>See Note B</i>	
167	Office of the Australian Building and Construction Commissioner, comprising: <ul style="list-style-type: none"> <li>(a) the Australian Building and Construction Commissioner; and</li> <li>(b) the Deputy Australian Building and Construction Commissioners; and</li> <li>(c) the staff mentioned in subsection 25 (1) of the <i>Building and Construction Industry Improvement Act 2005</i>; and</li> <li>(d) the consultants engaged under subsection 25 (3) of that Act.</li> </ul>	Australian Building and Construction Commissioner
	<i>See Note B</i>	
168	Office of the Commonwealth Ombudsman, comprising: <ul style="list-style-type: none"> <li>(a) the Commonwealth Ombudsman and the Deputy Commonwealth Ombudsmen; and</li> <li>(b) the staff mentioned in section 31 of the <i>Ombudsman Act 1976</i></li> </ul>	Commonwealth Ombudsman
	<i>See Note B</i>	
169	Office of the Privacy Commissioner, comprising: <ul style="list-style-type: none"> <li>(a) the Privacy Commissioner; and</li> <li>(b) the staff mentioned in section 26A of the <i>Privacy Act 1988</i></li> </ul>	Privacy Commissioner
	<i>See Note B</i>	

Item	Agency	Chief Executive
170	Office of the Director of Public Prosecutions, comprising: <ul style="list-style-type: none"> <li>(a) the Director of Public Prosecutions; and</li> <li>(b) the Associate Director of Public Prosecutions; and</li> <li>(c) staff mentioned in section 27 of the <i>Director of Public Prosecutions Act 1983</i>; and</li> <li>(d) persons engaged under section 28 of that Act; and</li> <li>(e) persons whose services are made available to the Director under section 29 of that Act</li> </ul> See Note B	Director of Public Prosecutions
170A	Office of the Fair Work Ombudsman, comprising: <ul style="list-style-type: none"> <li>(a) the Fair Work Ombudsman appointed under section 687 of the <i>Fair Work Act 2009</i>; and</li> <li>(b) the staff mentioned in section 697 of that Act; and</li> <li>(c) persons assisting the Office as mentioned in section 698 of that Act; and</li> <li>(d) consultants engaged under section 699 of that Act; and</li> <li>(e) inspectors appointed under section 700 of that Act</li> </ul>	Fair Work Ombudsman
171	Office of the Inspector-General of Intelligence and Security, comprising: <ul style="list-style-type: none"> <li>(a) the Inspector-General of Intelligence and Security; and</li> <li>(b) the staff mentioned in section 32 of the <i>Inspector-General of Intelligence and Security Act 1986</i></li> </ul> See Note B	Inspector-General of Intelligence and Security

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

Item	Agency	Chief Executive
172	Office of the Official Secretary to the Governor-General, comprising: <ul style="list-style-type: none"> <li>(a) the Official Secretary to the Governor-General; and</li> <li>(b) persons employed under section 13 of the <i>Governor-General Act 1974</i></li> </ul>	Official Secretary to the Governor-General
173	Office of the Renewable Energy Regulator, comprising: <ul style="list-style-type: none"> <li>(a) the Regulator; and</li> <li>(b) staff mentioned in section 151 of the <i>Renewable Energy (Electricity) Act 2000</i>; and</li> <li>(c) persons engaged under contract under section 155 of that Act to assist in the performance of any function of the Regulator</li> </ul> <p><i>See Note B</i></p>	Regulator
175	Old Parliament House, comprising: <ul style="list-style-type: none"> <li>(a) the Director; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Director.</li> </ul> <p><i>See Note A</i></p>	Director
176	Private Health Insurance Ombudsman, comprising: <ul style="list-style-type: none"> <li>(a) the Private Health Insurance Ombudsman mentioned in section 238-1 of the <i>Private Health Insurance Act 2007</i>; and</li> <li>(b) the staff mentioned in section 253-45 of that Act</li> </ul> <p><i>See Note B</i></p>	Private Health Insurance Ombudsman
177	Productivity Commission, comprising: <ul style="list-style-type: none"> <li>(a) the Chair and other members of the Productivity Commission; and</li> </ul>	Chair of the Commission

Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(b) persons engaged under the <i>Public Service Act 1999</i> to assist the Commission; and</li> <li>(c) persons engaged under section 45 of the <i>Productivity Commission Act 1998</i></li> </ul> <p><i>See Note B</i></p>	
178	Professional Services Review Scheme, comprising: <ul style="list-style-type: none"> <li>(a) the Director of Professional Services Review and Deputy Directors of Professional Services Review; and</li> <li>(b) the staff mentioned in section 106ZM of the <i>Health Insurance Act 1973</i>; and</li> <li>(c) persons whose services are made available to the Director under section 106ZN of that Act; and</li> <li>(d) consultants engaged under section 106ZP of that Act</li> </ul> <p><i>See Note B</i></p>	Director of Professional Services Review
179	Royal Australian Mint, comprising: <ul style="list-style-type: none"> <li>(a) the Chief Executive Officer of the Royal Australian Mint; and</li> <li>(b) persons engaged under the <i>Public Service Act 1999</i> who assist the Chief Executive Officer; and</li> <li>(c) persons employed under other arrangements to assist the Chief Executive Officer</li> </ul>	Chief Executive Officer
179A	Safe Work Australia, comprising: <ul style="list-style-type: none"> <li>(a) the members mentioned in subsection 10 (1) of the <i>Safe Work Australia Act 2008</i>; and</li> <li>(b) the staff mentioned in subsection 59 (1) of that Act; and</li> <li>(c) the persons who may constitute a committee mentioned in subsection 60 (2) of that Act; and</li> </ul>	Chief Executive Officer

Schedule 1	Prescribed agencies
Part 1	Prescribed agencies that do not handle money other than public money

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Item	Agency	Chief Executive
	<ul style="list-style-type: none"> <li>(d) the persons who may assist Safe Work Australia mentioned in section 61 of that Act; and</li> <li>(e) consultants engaged under section 62 of that Act.</li> </ul>	
	<i>See Note B</i>	
180	<p>Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) established by section 103 of the <i>Seafarers Rehabilitation and Compensation Act 1992</i>, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chairperson of the Authority mentioned in section 109 of the <i>Seafarers Rehabilitation and Compensation Act 1992</i>; and</li> <li>(b) staff made available to the Authority by Comcare under subsection 72A (2) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>; and</li> <li>(c) the Chief Executive Officer of Comcare, to the extent that the Authority has delegated its functions or powers to the Chief Executive Officer under subsection 125 (1) of the <i>Seafarers Rehabilitation and Compensation Act 1992</i></li> </ul>	Chairperson
181	<p>Wheat Exports Australia, comprising:</p> <ul style="list-style-type: none"> <li>(a) the Chair and the other members of Wheat Exports Australia; and</li> <li>(b) the staff mentioned in section 61 of the <i>Wheat Export Marketing Act 2008</i>; and</li> <li>(c) the persons whose services are made available to Wheat Exports Australia under section 62 of that Act</li> </ul>	Chair
	<i>See Note B</i>	

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*Note A* This agency also encompasses an Executive Agency, established under section 65 of the *Public Service Act 1999* by order of the Governor-General in the Commonwealth *Gazette* mentioned for the agency:

- Bureau of Meteorology (*Gazette* S 221, published on 27 June 2002)
- CrimTrac Agency (*Gazette* GN 23, published on 14 June 2000)
- Insolvency and Trustee Service Australia (*Gazette* GN 23, published on 14 June 2000; and *Gazette* PS 20, published on 24 May 2001)
- National Archives of Australia (*Gazette* GN 8, published on 28 February 2001)
- Old Parliament House (*Gazette* GN S 96, published on 1 May 2008).

*Note B* This agency also encompasses a Statutory Agency (a body or group of persons declared by an Act to be a Statutory Agency for the purposes of the *Public Service Act 1999*).

## Part 2 Prescribed agencies that handle money other than public money

Item	Agency	Chief Executive
201	Australian Reward Investment Alliance (ARIA), comprising: <ul style="list-style-type: none"><li>(a) the Chairperson and other trustees mentioned in section 23 of the <i>Superannuation Act 1990</i>; and</li><li>(b) persons engaged under the <i>Public Service Act 1999</i> who assist ARIA; and</li><li>(c) persons employed under other arrangements to assist ARIA</li></ul>	Chairperson

*Note* The body in this Part is an FMA agency only in regard to public money that it holds — see regulation 5.

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## **Schedule 2      Modification of the Act in its application to an intelligence or security agency or a prescribed law enforcement agency**

(regulation 27 and subregulation 28 (2))

### **[1]      Section 5**

*insert*

***operational money*** means public money:

- (a) that the Minister responsible for an Agency determines is needed to do things consistent with the Agency's charter; and
- (b) that is not money needed for staff and general administrative expenditure.

### **[2]      Subsection 9 (2)**

*after*

account

*insert*

, other than an account that is opened for the purpose of dealing with operational money,

### **[3]      Section 11**

*before*

An official

*insert*

(1)

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**[4] Section 11**

*insert*

- (2) Subsection (1) does not apply to an official who deposits public money in an account other than an official account in accordance with instructions given by the Chief Executive of the official's Agency.

**[5] Subsection 49 (1)**

*omit*

the Finance Minister's Orders

*insert*

an agreement between the Finance Minister and the Minister responsible for the Agency

**[6] Subsection 49 (2)**

*omit*

Finance Minister's Orders

*insert*

agreement

**[7] Subsection 49 (2)**

*omit*

those Orders require

*insert*

the agreement requires

**[8] Subsection 49 (3)**

*omit*

Finance Minister's Orders

*insert*

agreement

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**[9] Subsection 49 (3)***omit*

those Orders

*insert*

the agreement

**[10] Subsection 49 (4)***omit*

Finance Minister's Orders

*insert*

the agreement

**[11] Paragraph 57 (2) (a)***omit*

the Finance Minister's Orders

*insert*

an agreement between the Finance Minister and the Minister responsible for an Agency

**[11A] Paragraph 57 (2) (b)***omit*

those Orders

*insert*

the agreement

**[12] Subsection 57 (3)***omit*

Finance Minister's Orders

*insert*

agreement

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**[13] Subsection 57 (7)**

*after*

reports

*insert*

(other than financial statements that have, or a report that  
has, details of operational money)

## Schedule 3 Prescribed law enforcement agencies

(paragraph 28 (1) (a))

- 1 Australian Crime Commission, comprising:
  - (a) the Chief Executive Officer and examiners of the Australian Crime Commission; and
  - (b) the staff mentioned in section 47 of the *Australian Crime Commission Act 2002*; and
  - (c) consultants engaged under section 48 of that Act; and
  - (d) persons whose services are made available under section 49 of that Act.
  
- 2 Australian Federal Police, comprising:
  - (a) the Commissioner of Police and any Deputy Commissioner of Police appointed under the *Australian Federal Police Act 1979*; and
  - (b) AFP employees, special members and special protective service officers of the Australian Federal Police, within the meaning of that Act.

## Notes to the *Financial Management and Accountability Regulations 1997*

### Note 1

The *Financial Management and Accountability Regulations 1997* (in force under the *Financial Management and Accountability Act 1997*) as shown in this compilation comprise Statutory Rules 1997 No. 328 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

### Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1997 No. 328	3 Dec 1997	1 Jan 1998 (see r. 2 and <i>Gazette</i> 1997, No. GN49)	
1998 No. 65	24 Apr 1998	24 Apr 1998	—
1998 No. 112 (a)	27 May 1998	27 May 1998	R. 4
1998 No. 122	9 June 1998	1 July 1998	—
1998 No. 261	18 Aug 1998	18 Aug 1998	—
1998 No. 289	1 Sept 1998	1 Sept 1998	—
1998 No. 333	16 Dec 1998	16 Dec 1998	—
1999 No. 44	24 Mar 1999	24 Mar 1999	—
1999 No. 45	24 Mar 1999	Schedule 2: 5 Feb 1999 (see <i>Gazette</i> 1999, No. S50) Remainder: 24 Mar 1999	—
1999 No. 107	17 June 1999	Rr. 1–3 and Schedule 1: 17 June 1999 Remainder: 1 July 1999	—
1999 No. 108	17 June 1999	1 July 1999	—
1999 No. 272	17 Nov 1999	1 Sept 1999	—
2000 No. 20	15 Mar 2000	Schedule 2: 10 Dec 1999 Schedule 3: 1 July 2000 Remainder: 5 Dec 1999	—
<b>as amended by</b>			
2000 No. 145	28 June 2000	(see 2000 No. 145 below)	—

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in Gazette or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2000 No. 145	28 June 2000	Rr. 1–3 and Schedule 1: 30 June 2000 Remainder: 1 July 2000	—
2000 No. 200	31 July 2000	31 July 2000	—
2000 No. 224	17 Aug 2000	1 July 2000	—
2001 No. 13	13 Feb 2001	Schedule 2: 1 July 2001 Remainder: 13 Feb 2001	—
2001 No. 198	19 July 2001	1 July 2001	—
2002 No. 74	18 Apr 2002	18 Apr 2002	—
2002 No. 113	7 June 2002	Rr. 1–3 and Schedule 1: 7 June 2002 Remainder: 1 July 2002	—
2002 No. 211	12 Sept 2002	12 Sept 2002	—
2002 No. 298	4 Dec 2002	4 Dec 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (see r. 2)	—
2003 No. 105	30 May 2003	1 July 2003	—
2003 No. 119	19 June 2003	1 July 2003	—
2003 No. 148	26 June 2003	1 July 2003	—
2004 No. 57	8 Apr 2004	Rr. 1–3 and Schedule 1: 8 Apr 2004 Remainder: 1 July 2004	—
2004 No. 310	4 Nov 2004	4 Nov 2004	—
2004 No. 331	1 Dec 2004	Rr. 1–3 and Schedule 1: 1 Dec 2004 Remainder: 23 May 2005 (see r. 2 (b))	—
2005 No. 6	14 Feb 2005 (see F2005L00147)	15 Feb 2005	—
2005 No. 74	28 Apr 2005 (see F2005L00960)	Rr. 1–3 and Schedule 1: 28 Apr 2005 Remainder: 1 July 2005	—
2005 No. 111	11 June 2005 (see F2005L01415)	Rr. 1–3 and Schedule 1: 11 June 2005 Remainder: 1 July 2005	—
2005 No. 126	17 June 2005 (see F2005L01542)	1 July 2005	—
2005 No. 207	19 Sept 2005 (see F2005L02673)	1 Oct 2005 (see r. 2)	—
2005 No. 218	7 Oct 2005 (see F2005L02918)	Rr. 1–3 and Schedule 1 [item 6]: 8 Oct 2005	—
2006 No. 53	24 Mar 2006 (see F2006L00909)	27 Mar 2006	—

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in Gazette or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2006 No. 63	24 Mar 2006 (see F2006L00910)	3 Apr 2006 (see r. 2)	—
2006 No. 77	5 May 2006 (see F2006L01175)	6 May 2006	—
2006 No. 151	28 June 2006 (see F2006L01993)	29 June 2006	—
2006 No. 152	28 June 2006 (see F2006L02019)	Rr. 1, 2: 29 June 2006 R. 5 and Schedule 3: (b) Remainder: 1 July 2006	—
2006 No. 153	28 June 2006 (see F2006L02011)	1 July 2006	—
2006 No. 154	28 June 2006 (see F2006L02016)	1 July 2006	—
2006 No. 268	20 Oct 2006 (see F2006L03472)	1 Dec 2006 (see r. 2)	—
2006 No. 351	14 Dec 2006 (see F2006L04063)	30 Dec 2006 (see r. 2)	—
2007 No. 84	16 Apr 2007 (see F2007L00975)	Rr. 1–3 and Schedule 1: 17 Apr 2007 Remainder: 1 July 2007 (see r. 2 (b), (c) and (d))	—
2007 No. 112	11 May 2007 (see F2007L01314)	Rr. 1–3 and Schedule 1: 12 May 2007 Remainder: 1 July 2007	—
2007 No. 158	25 June 2007 (see F2007L01771)	Rr. 1–3: 26 June 2007 Remainder: 1 July 2007 (see r. 2 (b))	—
2007 No. 159	25 June 2007 (see F2007L01772)	Rr. 1–3: 26 June 2007 Remainder: 1 July 2007 (see r. 2 (b))	—
2007 No. 252	27 Aug 2007 (see F2007L02561)	28 Aug 2007	—
2008 No. 4	30 Jan 2008 (see F2008L00227)	Rr. 1–3 and Schedule 1: 31 Jan 2008 Remainder: 3 Mar 2008 (see r. 2 (b))	—
2008 No. 108	24 June 2008 (see F2008L02162)	Rr. 1–4 and Schedule 1: 25 June 2008 Remainder: 1 July 2008	R. 4
2008 No. 143	29 June 2008 (see F2008L02248)	Rr. 1–3 and Schedule 1: 30 June 2008 Remainder: 1 July 2008 (see r. 2 (b))	—

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in Gazette or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2008 No. 146	30 June 2008 (see F2008L02250)	1 July 2008 (see r. 2)	—
2008 No. 266	15 Dec 2008 (see F2008L04632)	Rr. 1–3: 16 Dec 2008 Schedule 1: 15 Dec 2008 (see r. 2 (b) and F2008L04656)	—
2008 No. 267	18 Dec 2008 (see F2008L04624)	Rr. 1–3 and Schedule 1: 19 Dec 2008 R. 4 and Schedule 2: 1 Jan 2009 (see r. 2 (b))	—
2009 No. 32	2 Mar 2009 (see F2009L00708)	1 July 2009	—
2009 No. 41	19 Mar 2009 (see F2009L01034)	20 Mar 2009	R. 4
2009 No. 83	18 May 2009 (see F2009L01812)	Rr. 1–3 and Schedule 1: 19 May 2009 Schedule 2: 5 Aug 2009 (see r. 2 (b))	—
2009 No. 134	25 June 2009 (see F2009L02519)	1 July 2009	R. 4
2009 No. 135	25 June 2009 (see F2009L02490)	Rr. 1–3 and Schedule 1: 1 July 2009 R. 4 and Schedule 2: 31 July 2009	—
2009 No. 268	14 Oct 2009 (see F2009L03726)	1 Nov 2009 (see r. 2 and F2009L03902)	—
2009 No. 329	27 Nov 2009 (see F2009L04322)	1 Jan 2010	—
2010 No. 3	11 Feb 2010 (see F2010L00347)	Rr. 1–3 and Schedule 1: 31 Dec 2009 R. 4 and Schedule 2: 31 Jan 2010	—

(a) Statutory Rule 1998 No. 112 was made under the *Financial Management and Accountability Act 1997* and the *Productivity Commission (Repeals, Transitional and Consequential Amendments) Act 1998*.

(b) Regulation 2 (d) of the *Financial Management and Accountability Amendment Regulations 2006 (No. 5)* (SLI 2006 No. 152) provides as follows:

(d) at the time declared, in a notice published in the *Gazette* under subsection 58 (2) of the *Dairy Produce Act 1986*, to be the second DAA phase-down time. The second DAA phase-down time was midnight on 30 June 2006 (see *Gazette* 2006, No. GN25).

**Table of Instruments**

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- (c) Regulation 2 (b) of SLI 2008 No. 4 provides as follows:
  - (b) immediately after the commencement of section 171 of the *Water Act 2007* —  
Schedule 2.

**Table of Acts****Table of Acts**

<b>Act</b>	<b>Number and year</b>	<b>Date of Assent</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
<i>Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005</i>	45, 2005	1 Apr 2005	Schedule 1 (item 64): 1 July 2005	—
<i>Building and Construction Industry Improvement (Consequential and Transitional) Act 2005</i>	112, 2005	12 Sept 2005	Schedule 3: 12 Sept 2005	—
<i>Workplace Relations (Work Choices) Act 2005</i>	153, 2005	14 Dec 2005	Schedule 1A (item 2): 14 Dec 2005	—
<i>Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Act 2006</i>	7, 2006	7 Mar 2006	Schedule 1 (item 8): 13 Mar 2006	—
<i>Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006</i>	170, 2006	12 Dec 2006	Schedule 1 (item 39): 13 Dec 2006	—
<i>Workplace Relations Amendment (A Stronger Safety Net) Act 2007</i>	107, 2007	28 June 2007	Schedule 2 (item 31) and Schedule 3 (item 17): 1 July 2007	—
<i>Wheat Marketing Amendment Act 2007</i>	108, 2007	28 June 2007	Schedule 5 (item 1): 1 Oct 2007	—
<i>Wheat Export Marketing (Repeal and Consequential Amendments) Act 2008</i>	66, 2008	30 June 2008	Schedule 2 (items 9 and 10): 1 July 2008	Sch. 3

**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
R. 1 .....	rs. 1998 No. 289
Heading to r. 3 .....	rs. 1999 No. 107
R. 3 .....	am. 1999 No. 107; 2002 No. 74; 2008 No. 4; 2009 Nos. 41 and 134
R. 3A.....	ad. 2009 No. 134
<b>Part 2</b>	
Heading to r. 4 .....	rs. 2005 No. 111
R. 4 .....	am. 2000 No. 20; 2004 No. 331; 2005 Nos. 74 and 111 rs. 2009 No. 41
Heading to r. 5 .....	rs. 2005 No. 111
R. 5 .....	am. 1999 Nos. 44 and 45; 2004 No. 331; 2005 No. 111
R. 5A.....	ad, 2009 No. 134
<b>Part 4</b>	
Heading to r. 7 .....	rs. 2009 No. 134
R. 7 .....	am. 2002 No. 74; 2009 No. 134
R. 7A.....	ad. 2009 No. 134
R. 8 .....	rep. 2009 No. 134
R. 9 .....	am. 1999 No. 44; 2006 No. 151 rs. 2009 No. 134
Heading to r. 11 .....	rs. 2002 No. 74
R. 11 .....	am. 2002 No. 74; 2009 No. 134
R. 12 .....	rs. 2009 No. 134
R. 13 .....	am. 2002 No. 74 rs. 2009 No. 134
R. 14 .....	am. 2002 No. 74; 2009 No. 134
Part 5 .....	rep. 1999 No. 107
Rr. 15–18.....	rep. 1999 No. 107
<b>Part 5</b>	
Part 5 .....	ad. 2008 No. 108
R. 15 .....	ad. 2008 No. 108 am. 2009 No. 134
R. 16 .....	ad. 2008 No. 108
<b>Part 5A</b>	
Part 5A.....	ad. 2009 No. 41
R. 16A.....	ad. 2009 No. 41 am. 2009 No. 134

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 16B.....	ad. 2009 No. 41 rep. 2009 No. 134
<b>Part 6</b>	
Heading to Part 9.....	rs. 2009 No. 134
Part 6 .....	rs. 2009 No. 41
R. 17 .....	ad. 2009 No. 41
R. 18 .....	ad. 2009 No. 41
R. 19 .....	am. 2008 No. 108 rs. 2009 No. 41
R. 20 .....	rs. 2009 No. 41
<b>Part 7</b>	
R. 21 .....	rs. 2009 No. 41
Heading to r. 22 .....	rs. 2009 No. 41
R. 22 .....	rs. 1999 No. 107 am. 2004 No. 331 rs. 2008 No. 108
<b>Part 7A</b>	
Heading to Part 7A.....	rs. 2009 No. 41
Part 7A.....	ad. 1998 No. 333
R. 22A.....	ad. 1998 No. 333
R. 22B.....	ad. 1998 No. 333
R. 22C.....	ad. 2009 No. 41
R. 22D.....	ad. 2009 No. 41
<b>Part 8</b>	
Heading to Part 8.....	rs. 2009 No. 41
R. 23 .....	am. 2005 No. 218
R. 24 .....	am. 1999 No. 107
R. 24A.....	ad. 1999 No. 107
R. 25 .....	am. 1999 No. 107; 2002 No. 74
R. 25A.....	ad. 1999 No. 107
R. 26 .....	am. 1999 No. 107; 2008 No. 4
<b>Part 9</b>	
Heading to Part 9.....	ad. 2009 No. 41
R. 27 .....	ad. 1999 No. 44
R. 28 .....	ad. 2006 No. 151
R. 28A.....	ad. 2009 No. 134
<b>Part 10</b>	
Part 10 .....	ad. 2009 No. 41
R. 29 .....	ad. 2009 No. 41 am. 2009 No. 135

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 30 .....	ad. 2009 No. 41
<b>Part 11</b>	
Part 11 .....	ad. 2009 No. 134
R. 31 .....	ad. 2009 No. 134
R. 32 .....	ad. 2009 No. 134
R. 33 .....	ad. 2009 No. 134
R. 34 .....	ad. 2009 No. 134
<b>Schedule 1</b>	
Heading to Schedule.....	rep. 1999 No. 45
Schedule.....	am. 1998 Nos. 65, 112, 122, 261 and 289
Heading to Schedule 1.....	ad. 1999 No. 45
Schedule 1 .....	am. 1999 Nos. 45, 107, 108 and 272; 2000 No. 20 (as am. by 2000 No. 145); 2000 Nos. 145, 200 and 224; 2001 Nos. 13 and 198; 2002 Nos. 74, 113, 211, 298 and 326; 2003 Nos. 105, 119 and 148; 2004 Nos. 57, 310 and 331; 2005 Nos. 6, 74, 111, 126 and 207; Act Nos. 45, 112 and 153, 2005; Act No. 7, 2006; 2006 Nos. 53, 63, 77, 151, 152, 153, 154 and 268; Act No. 170, 2006; 2006 No. 351; 2007 Nos. 84, 112, 158 and 159; Act No. 107, 2007; 2007 No. 252; Act No. 108, 2007; 2008 Nos. 4, 108, 143 and 146; Act No. 66, 2008; 2008 Nos. 266 and 267; 2009 Nos. 32, 83, 134, 135, 268 and 329; 2010 No. 3
<b>Schedule 2</b>	
Heading to Schedule 2.....	rs. 2006 No. 151
Schedule 2.....	am. 1999 No. 44; 2009 No. 134
<b>Schedule 3</b>	
Schedule 3.....	ad. 2006 No. 151 am. 2009 No. 135

**Table A**

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**Table A                      Application, saving or transitional provisions**

**Statutory Rules 1998 No. 112**

**4            Application of amendment**

4.1 The amendments made by regulation 3 have effect from the commencement of the *Productivity Commission Act 1998*.

*Note* The *Productivity Commission Act 1998* came into operation on 16 April 1998.

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**Select Legislative Instrument 2008 No. 108**

**4            Transitional**

On the commencement of Schedule 1, the Fraud Control Guidelines:

- (a) made under subregulation 19 (1) of the *Financial Management and Accountability Regulations 1997*; and
- (b) as in force immediately before the commencement of Schedule 1;

continue in force as Fraud Control Guidelines made under subregulation 19 (1) as amended by Schedule 1.

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**Select Legislative Instrument 2009 No. 41****4 Transitional**

- (1) The amendments made by Schedule 1 apply in relation to any action, including the making of an instrument, done under the authority of:
- (a) a provision or group of provisions of the old FMA Act that has been repealed; or
  - (b) a provision or group of provisions of the old FMA Regulations that has been repealed; or
  - (c) a provision or group of provisions of the 2005 Orders that has been repealed; or
  - (d) a provision or group of provisions of the 2008 Orders that has been repealed;
- as if the action were done under the corresponding provision or group of provisions of the new FMA Regulations.
- Note* The actions include:
- (a) the making of delegations by a Chief Executive or the Finance Chief Executive; and
  - (b) the making of determinations by the Finance Chief Executive, specifying an activity of an Agency as a business operation.
- (2) If subregulation (1) applies, a reference in an instrument to a provision or group of provisions of:
- (a) the old FMA Act; or
  - (b) the old FMA Regulations; or
  - (c) the 2005 Orders; or
  - (d) the 2008 Orders;
- is taken to include a reference to the corresponding provision or group of provisions of the new FMA Regulations.
- (3) If:
- (a) a provision or group of provisions of:
    - (i) the old FMA Act; or
    - (ii) the old FMA Regulations; or

**Table A**

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- (iii) the 2005 Orders;  
has been repealed; and
- (b) no provision or group of provisions of the new FMA Regulations corresponds to the repealed provision or group of provisions;

the amendments made by Schedule 1 apply in relation to any action, including the making of an instrument, done under the authority of the repealed provision or group of provisions as if the repeal had not occurred.

- (4) In this regulation:

**2005 Orders** means the *Financial Management and Accountability Orders 2005* as in force immediately before the commencement of Schedule 1.

**2008 Orders** means the *Financial Management and Accountability Orders 2008* as in force immediately before the commencement of Schedule 1.

**instrument** includes a legislative instrument.

**new FMA Regulations** means the *Financial Management and Accountability Regulations 1997* as in force at any time on or after the commencement of Schedule 1.

**old FMA Act** means the *Financial Management and Accountability Act 1997* as in force immediately before the commencement of Schedule 1.

**old FMA Regulations** means the *Financial Management and Accountability Regulations 1997* as in force immediately before the commencement of Schedule 1.

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## Select Legislative Instrument 2009 No. 134

### 4 Transitional

- (1) The amendments made by Schedule 1 apply in relation to any action, including the making of an instrument, done under the authority of:

**Table A**

- (a) a provision or group of provisions of the old FMA Regulations that has been repealed; or
- (b) a provision or group of provisions of the 2005 Orders that has been repealed; or
- (c) a provision or group of provisions of the 2008 Orders that has been repealed;

as if the action were done under the corresponding provision or group of provisions of the new FMA Regulations.

*Note* The actions include:

- (a) the making of delegations by a Chief Executive or the Finance Chief Executive; and
- (b) the making of determinations by the Finance Chief Executive, specifying an activity of an Agency as a business operation.

- (2) If subregulation (1) applies, a reference in an instrument to a provision or group of provisions of:
  - (a) the old FMA Regulations; or
  - (b) the 2005 Orders; or
  - (c) the 2008 Orders;
 is taken to include a reference to the corresponding provision or group of provisions of the new FMA Regulations.

- (3) If:
  - (a) a provision or group of provisions of:
    - (i) the old FMA Regulations; or
    - (ii) the 2005 Orders;
 has been repealed; and
  - (b) no provision or group of provisions of the new FMA Regulations corresponds to the repealed provision or group of provisions;

the amendments made by Schedule 1 apply in relation to any action, including the making of an instrument, done under the authority of the repealed provision or group of provisions as if the repeal had not occurred.

- (4) In this regulation:
 

**2005 Orders** means the *Financial Management and Accountability Orders 2005* as in force immediately before 1 July 2009.

**Table A**

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**2008 Orders** means the *Financial Management and Accountability Orders 2008* as in force immediately before 1 July 2009.

**instrument** includes a legislative instrument.

**new FMA Regulations** means the *Financial Management and Accountability Regulations 1997* as in force at any time on or after 1 July 2009.

**old FMA Regulations** means the *Financial Management and Accountability Regulations 1997* as in force immediately before 1 July 2009.

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