

EXPLANATORY STATEMENT

<p>The instrument to which this explanatory statement relates</p>	<p><i>Financial Management and Accountability Act 1997 Determination 2011/21 – Section 32 (Transfer of Functions from DEEWR to TEQSA)</i></p>
<p>Date instrument was made</p>	<p>22 December 2011</p>
<p>The legislative authority under which the instrument is made</p>	<p>Subsection 32(2) of the <i>Financial Management and Accountability Act 1997</i> (FMA Act) enables the Minister for Finance and Deregulation (Finance Minister) to determine that one or more Schedules to one or more Appropriation Acts are amended in relation to the transfer of a function from one agency to another.</p> <p>Under section 62 of the FMA Act the Finance Minister has delegated this power to the Secretary of the Department of Finance and Deregulation (Finance). Under section 53 of the FMA Act, the Secretary of Finance has delegated this power to certain officials within Finance.</p>
<p>Purpose and effect of the instrument</p>	<p>Schedule 1 of this Instrument amends <i>Appropriation Act (No. 1) 2010-2011</i> to reduce an amount of \$132,246.81 of the “Departmental” item for the Department of Education, Employment and Workplace Relations (DEEWR).</p> <p>Schedule 2 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to reduce an amount of \$9,867,274.70 of the “Administered” item (Outcome 3) for the Department of Education, Employment and Workplace Relations (DEEWR) and increases the “Departmental” item for Tertiary Education Quality and Standards Agency (TEQSA) by \$9,999,521.51.</p> <p>The effect of this schedule is to transfer appropriations relating to the establishment of a new agency TEQSA within DEEWR.</p>
<p>Background</p>	<p>TEQSA was established as part of the 2009-2010 Budget package of higher education reforms.</p>
<p>Notes on the Instrument</p>	<p>In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i>, DPMC and DBCDE were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i>.</p>
<p>Human Rights Impact Statement</p>	<p>This Instrument is exempt from disallowance under subsection 44(2) of the <i>Legislative Instruments Act 2003</i>. As such, a statement of compatibility prepared under subsection 9(1) of the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> is not required in this Explanatory Statement.</p>