



Financial Management and Accountability Act 1997 Determination 2011/21 — Section 32 (Transfer of Functions from DEEWR to TEQSA)

Financial Management and Accountability Act 1997

I, TIM YOUNGBERRY, First Assistant Secretary, Financial Reporting and Cash Management Division, Department of Finance and Deregulation, make this Determination under subsection 32(2) of the *Financial Management and Accountability Act 1997* (the **FMA Act**).

This Determination is made due to a decision of the Australian Government to transfer functions relating to the Regulatory and Quality Assurance of Higher Education in Australia from the Department of Education, Employment and Workplace Relations to the Tertiary Education Quality and Standards Agency.

Dated 22nd December 2011

TIM YOUNGBERRY
First Assistant Secretary
Financial Reporting and Cash Management Division
Department of Finance and Deregulation

1 Name of Determination

This Determination is the *Financial Management and Accountability Act 1997 Determination 2011/21 — Section 32 (Transfer of Functions from DEEWR to TEQSA)*.

Note 1: This Determination has been made by a delegate of the Secretary of the Department of Finance and Deregulation. The Secretary is a delegate of the Minister for Finance and Deregulation in accordance with section 62 of the FMA Act. The Secretary has delegated his power in accordance with section 53 of the FMA Act.

Note 2: Acronyms used in this Determination are as follows:

- (a) “DEEWR” – refers to the Department of Education, Employment and Workplace Relations.
- (b) “TEQSA” – refers to the Tertiary Education Quality and Standards Agency.

Note 3: Legislation establishing TEQSA was passed by both Houses of Parliament on 23 June 2011 and received Royal Assent on 29 June 2011.

2 Commencement

This Determination commences on the day on which it is made.

Note: Under subsection 32(8) of the FMA Act, a determination may be expressed to take effect before its making and registration under the *Legislative Instruments Act 2003*.

3 Amendment of *Appropriation Act (No. 1) 2010-2011*

Schedule 1 amends *Appropriation Act (No. 1) 2010-2011* to reduce the “Departmental” item for DEEWR by \$132,246.81.

4 Amendment of *Appropriation Act (No. 1) 2011-2012*

Schedule 2 amends *Appropriation Act (No. 1) 2011-2012* to:

- (a) Reduce the “Administered” item opposite “Outcome 3” for DEEWR by \$9,867,274.70; and
- (b) Increase the “Departmental” item for TEQSA by \$9,999,521.51.

Schedule 1 **Amendment of *Appropriation Act (No. 1) 2010-2011***

(Clause 3)

- [1] **Schedule 1, Education, Employment and Workplace Relations portfolio, Department of Education, Employment and Workplace Relations table, alongside Total: Department of Education, Employment and Workplace Relations, under the heading “Departmental”**

omit

812,799.282

insert

812,667.03519

- [2] **Schedule 1, Education, Employment and Workplace Relations portfolio, after the Department of Education, Employment and Workplace Relations table**

Omit the notes, insert

Note 1: The table has been amended by determinations under the *Financial Management and Accountability Act 1997*. Such determinations amend only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the “Total” amount in relation to an agency under the heading “Departmental”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading “Administered”.

No other amounts in the table have been amended.

Note 2: *FMA Act Section 32 Determination 2009/12* amended the amount alongside “Total: Department of Education, Employment and Workplace Relations” in the “Departmental Outputs” column, to transfer an amount to Safe Work Australia.

Note 3: *Financial Management and Accountability Act 1997 Determination 2010/24 – Section 32 (Transfer of Functions from DEEWR to Austrade)* amended an amount in this table alongside “Total: Department of Education, Employment and Workplace Relations”, in the “Departmental Outputs” column, to transfer an amount to Austrade.

Functions relating to the international promotion of Australia’s education and training sectors were transferred from the Department of Education, Employment and Workplace Relations (DEEWR) to the Australian Trade Commission due to a Government decision with effect from 1 July 2010.

Note 4: *Financial Management and Accountability Act 1997 Determination 2010/25 – Section 32 (Transfer of Functions from DEEWR to APSC)* amended an amount in this table alongside “Total: Department of Education, Employment and Workplace Relations”, in the “Departmental Outputs” column, to transfer an amount to the Australian Public Service Commission (APSC).

Functions relating to APSC employment and workplace relations policy and the Defence Force Remuneration Tribunal were transferred from DEEWR to the APSC due to a change to the *Administrative Arrangements Order* on 29 June 2010.

Note 5: Financial Management and Accountability Act 1997 Determination 2010/26 – Section 32 (Transfer of Functions from DEEWR to APSC) amended an amount in this table alongside “Total: Department of Education, Employment and Workplace Relations”, in the “Departmental Outputs” column, to transfer an amount to the APSC.

Functions relating to the Remuneration Tribunal were transferred from DEEWR to the Australian Public Service Commission due to a change to the *Administrative Arrangements Order* on 14 September 2010.

Note 6: Financial Management and Accountability Act 1997 Determination 2011/21 – Section 32 (Transfer of Functions from DEEWR to TEQSA) amended an amount in this table alongside “Total: Department of Education, Employment and Workplace Relations”, under the heading “Departmental”, to transfer an amount to the Tertiary Education Quality and Standards Agency (TEQSA).

Legislation establishing TEQSA was passed by both Houses of Parliament on 23 June 2011 and received Royal Assent on 29 June 2011.

Schedule 2 **Amendment of *Appropriation Act (No. 1) 2011-2012***

(Clause 4)

- [1] **Schedule 1, Education, Employment and Workplace Relations portfolio, Department of Education, Employment and Workplace Relations table, alongside Outcome 3 under the heading “Administered”**

omit

2,056,621

insert

2,046,753.7253

- [2] **Schedule 1, Schedule 1, Education, Employment and Workplace Relations portfolio, after the Department of Education, Employment and Workplace Relations table**

Omit the notes, insert

Note 1: The table has been amended by determinations under the *Financial Management and Accountability Act 1997*. Such determinations have amended only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the “Total” amount in relation to an agency under the heading “Departmental”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading “Administered”.

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2011/14 – Section 32 (Transfer of Functions from DEEWR to TEQSA)* amended in this table the amount alongside “Outcome 3” under the heading “Administered”, to transfer an amount to the departmental item for the Tertiary Education Quality and Standards Agency (TEQSA).

Note 3: *Financial Management and Accountability Act 1997 Determination 2011/21 – Section 32 (Transfer of Functions from DEEWR to TEQSA)* amended in this table the amount alongside “Outcome 3” under the heading “Administered”, to transfer an amount to the departmental item for TEQSA.

Legislation establishing TEQSA was passed by both Houses of Parliament on 23 June 2011 and received Royal Assent on 29 June 2011.

[3] Schedule 1, Education, Employment and Workplace Relations portfolio, Tertiary Education Quality and Standards Agency table, alongside Total: Tertiary Education Quality and Standards Agency under the heading Departmental”

omit

5,000

insert

14,999.52151

[4] Schedule 1, Schedule 1, Education, Employment and Workplace Relations portfolio, after the Tertiary Education Quality and Standards Agency table

omit the notes, insert

Note 1: The table has been amended by determinations under the *Financial Management and Accountability Act 1997*. Such determinations amended only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the “Total” amount in relation to an agency under the heading “Departmental”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an agency under the heading “Administered”.

No other amounts in the table have been amended.

Note 2: Financial Management and Accountability Act 1997 Determination 2011/14 – Section 32 (Transfer of Functions from DEEWR to TEQSA) added this table and the amount alongside “Total: Tertiary Education Quality and Standards Agency”, under the heading “Departmental”, to transfer an amount from the Department of Education, Employment and Workplace Relations.

The Tertiary Education Quality and Standards Agency (TEQSA) was established as part of the 2009-2010 Budget package of higher education reforms.

Note 3: Financial Management and Accountability Act 1997 Determination 2011/21 – Section 32 (Transfer of Functions from DEEWR to TEQSA) amended in this table the amount alongside “Outcome 3” under the heading “Administered”, to transfer an amount to the departmental item for TEQSA.

Legislation establishing TEQSA was passed by both Houses of Parliament on 23 June 2011 and received Royal Assent on 29 June 2011.