

## EXPLANATORY STATEMENT

<p><b>The instrument to which this explanatory statement relates</b></p>	<p><i>Financial Management and Accountability Act 1997 Determination 2012/33 – Section 32 (Transfer of Functions from DEEWR to DIISRTE)</i></p>
<p><b>Date instrument was made</b></p>	<p>26 November 2012</p>
<p><b>The legislative authority under which the instrument is made</b></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><b>Purpose and effect of the instrument</b></p>	<p>Schedule 1 to this Instrument amends <i>Appropriation Act (No. 1) 2012-2013</i> to:</p> <ul style="list-style-type: none"> <li>– reduce the departmental item for the Department of Education, Employment and Workplace Relations (DEEWR) by \$5,882,000.00; and</li> <li>– increase the departmental item for the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) by \$5,882,000.00.</li> </ul> <p>Schedule 2 to this Instrument amends <i>Appropriation Act (No. 2) 2012-2013</i> to:</p> <ul style="list-style-type: none"> <li>– reduce the other departmental (Equity Injections) item for DEEWR by \$913,000.00; and</li> <li>– increase the other departmental (Equity Injections) item for DIISRTE by \$913,000.00.</li> </ul> <p>Schedule 3 to this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to:</p> <ul style="list-style-type: none"> <li>– reduce the departmental item for DEEWR by \$29,644,901.00; and</li> <li>– increase the departmental item for DIISRTE by \$29,644,901.00.</li> </ul> <p>The effect of this instrument is to transfer appropriations for the Tertiary Education function from DEEWR to DIISRTE.</p>
<p><b>Background</b></p>	<p>Due to a change in the <i>Administrative Arrangements Order</i> of 14 December 2011, the Tertiary Education function was transferred from DEEWR to DIISRTE.</p>

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<b>Notes on the Instrument</b>	<p>In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i>, DEEWR and DIISRTE were consulted in the preparation of this instrument.</p> <p>This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i>.</p>
<b>Human Rights Impact Statement</b>	<p>This Instrument is exempt from disallowance under subsection 32(7) of the <i>Financial Management and Accountability Act 1997</i>. As such, a statement of compatibility prepared under subsection 9(1) of the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> is not required in this Explanatory Statement.</p>