



# **Financial Management and Accountability Act 1997 Determination 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)**

## *Financial Management and Accountability Act 1997*

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I, PETER GIBSON, Acting 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 delegated regulatory functions under the *Education Services of Overseas Students Act 2000* from the Department of Industry, Innovation, Science, Research and Tertiary Education to the National Vocational Education and Training Regulator (Australian Skills Quality Authority) and the Tertiary Education Quality and Standards Agency.

Dated 7 December 2012

PETER GIBSON  
Acting First Assistant Secretary  
Financial Reporting and Cash Management Division  
Department of Finance and Deregulation

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## Part 1 Preliminary

### 1 Name of Determination

This Determination is the *Financial Management and Accountability Act 1997 Determination 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & 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) “DIISRTE” – refers to the Department of Industry, Innovation, Science, Research and Tertiary Education.
- (b) “ASQA” – refers to the National Vocational Education and Training Regulator (Australian Skills Quality Authority).
- (c) “TEQSA” – refers to the Tertiary Education Quality and Standards Agency.

*Note 3:* Due to a government decision, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* will be transferred from DIISRTE to ASQA and TEQSA.

### 2 Commencement

This Determination commences on 21 November 2012.

### 3 Amendment of *Appropriation Act (No. 1) 2012-2013*

Schedule 1 amends *Appropriation Act (No. 1) 2012-2013* to:

- (a) reduce DIISRTE’s departmental item by \$1,548,000.00;
- (b) increase ASQA’s departmental item by \$1,244,000.00; and
- (c) increase TEQSA’s departmental item by \$304,000.00.

### 4 Amendment of *Appropriation Act (No. 5) 2011-2012*

Schedule 2 amends *Appropriation Act (No. 5) 2011-2012* to:

- (a) reduce DIISRTE’s departmental item by \$205,000.00.

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

Schedule 3 amends *Appropriation Act (No. 1) 2011-2012* to:

- (a) increase ASQA’s departmental item by \$142,000.00; and
- (b) increase TEQSA’s departmental item by \$63,000.00.

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## Schedule 1 Amendment of *Appropriation Act (No. 1) 2012-2013*

(Clause 3)

- [1] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, Department of Industry, Innovation, Science, Research and Tertiary Education table, alongside “Total: Department of Industry, Innovation, Science, Research and Tertiary Education”, under the heading “Departmental”**

*omit*

511,007

*insert*

509,459

- [2] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, after the Department of Industry, Innovation, Science, Research and Tertiary Education table**

*insert*

*Note 1:* The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: Department of Industry, Innovation, Science, Research and Tertiary Education” under the heading “Departmental”, to transfer an amount to the departmental item for the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA) and the departmental item for the Tertiary Education Quality and Standards Agency (TEQSA).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) to ASQA and TEQSA.

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- [3] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, National Vocational Education and Training Regulator (Australian Skills Quality Authority) table, alongside “Total: National Vocational Education and Training Regulator (Australian Skills Quality Authority)”, under the heading “Departmental”**

*omit*

31,551

*insert*

32,795

- [4] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, after the National Vocational Education and Training Regulator (Australian Skills Quality Authority) table**

*insert*

*Note 1:* The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: National Vocational Education and Training Regulator (Australian Skills Quality Authority)” under the heading “Departmental”, to transfer an amount from the departmental item for the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from DIISRTE to the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA) and the Tertiary Education Quality and Standards Agency (TEQSA).

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- [5] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, Tertiary Education Quality and Standards Agency table, alongside “Total: Tertiary Education Quality and Standards Agency”, under the heading “Departmental”**

*omit*

17,534

*insert*

17,838

- [6] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, after the Tertiary Education Quality and Standards Agency table**

*insert*

*Note 1:* The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: Tertiary Education Quality and Standards Agency under the heading “Departmental”, to transfer an amount from the departmental item for the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from the DIISRTE to the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA) and the Tertiary Education Quality and Standards Agency (TEQSA).

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**Schedule 2 Amendment of *Appropriation Act (No. 5) 2011-2012***

(Clause 4)

- [1] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, Department of Industry, Innovation, Science, Research and Tertiary Education table, alongside “Total: Department of Industry, Innovation, Science, Research and Tertiary Education”, under the heading “Departmental”**

*omit*

3,603

*insert*

3,398

- [2] **Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, after the Department of Industry, Innovation, Science, Research and Tertiary Education table**

*insert*

*Note 1:* The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 2012/31 — Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: Department of Industry, Innovation, Science, Research and Tertiary Education” under the heading “Departmental”, to transfer an amount to the departmental item for the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA) and the departmental item for the Tertiary Education Quality and Standards Agency (TEQSA).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) to ASQA and TEQSA.

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## Schedule 3 Amendment of *Appropriation Act (No. 1) 2011-2012*

(Clause 5)

- [1] **Schedule 1, Education, Employment and Workplace Relations portfolio, National Vocational Education and Training Regulator (Australian Skills Quality Authority) table, alongside “Total: National Vocational Education and Training Regulator (Australian Skills Quality Authority)”, under the heading “Departmental”**

*omit*

29,242.70256

*insert*

29,384.70256

- [2] **Schedule 1, Education, Employment and Workplace Relations portfolio, after the National Vocational Education and Training Regulator (Australian Skills Quality Authority) table**

*omit the notes, insert*

*Note 1:* The table has been amended by a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 2012/10 – Section 32 (Transfer of Functions from DEEWR to NVETR)* amended an amount in this table alongside “Total: National Vocational Education and Training Regulator (Australian Skills Quality Authority)”, under the heading “Departmental”, to transfer an amount from the departmental item for the Department of Education, Employment and Workplace Relations (DEEWR).

Capital appropriations relating to the establishment of the Australian Skills Quality Authority were transferred from DEEWR to the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA).

*Note 3:* *Financial Management and Accountability Act 1997 Determination 2012/31 – Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: National Vocational Education and Training Regulator (Australian Skills Quality Authority)” under the heading “Departmental”, to transfer an amount from the departmental item for the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from DIISRTE to ASQA and the Tertiary Education Quality and Standards Agency (TEQSA).

**[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*

14,999.52151

*insert*

15,062.52151

**[4] 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 a determination under the *Financial Management and Accountability Act 1997*. That determination has 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 departmental item for the Department of Education, Employment and Workplace Relations (DEEWR).

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 “Total: Tertiary Education Quality and Standards Agency” under the heading “Departmental”, to transfer an amount from the departmental item for DEEWR.

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

*Note 4: Financial Management and Accountability Act 1997 Determination 2012/31 – Section 32 (Transfer of Functions from DIISRTE to ASQA & TEQSA)* amended in this table the amount alongside “Total: Tertiary Education Quality and Standards Agency” under the heading “Departmental”, to transfer an amount from the departmental item for the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE).

Due to a decision of the Australian Government, delegated regulatory functions under the *Education Services of Overseas Students Act 2000* were transferred from DIISRTE to the National Vocational Education and Training Regulator (Australian Skills Quality Authority) (ASQA) and TEQSA.