



FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICSRTE and DRET)

Financial Management and Accountability Act 1997

I, ALAN GREENSLADE, First Assistant Secretary, Financial Reporting and Cash Management Division, Department of Finance and Deregulation, make this Determination under subsection 32(2) of the FMA Act, as delegate of the Secretary of the Department of Finance and Deregulation, who is, in turn, a delegate of the Finance Minister.

This Determination is made due to amendments to the *Administrative Arrangements Order*, made on 25 March 2013. On that day, the Department of Climate Change and Energy Efficiency was abolished and its functions were transferred:

- in relation to climate change, to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education; and
- in relation to energy efficiency, to the Department of Resources, Energy and Tourism.

Dated 24 April 2013

ALAN GREENSLADE
First Assistant Secretary
Financial Reporting and Cash Management Division
Department of Finance and Deregulation

1 Name of Determination

This Determination is the *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)*.

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 Finance Minister in accordance with section 62 of the FMA Act. The Secretary has sub-delegated that power in accordance with section 53 of the FMA Act.

Note 2: Functions in relation to climate change were transferred from DCCEE to DIICCSRTE, and functions in relation to energy efficiency were transferred from DCCEE to DRET due to a change in the *Administrative Arrangements Order* with effect from 25 March 2013.

2 Commencement

This Determination commences on the day which it is made.

3 Amendment of Appropriation Acts

Appropriation Act (No. 1) 2012-2013 and *Appropriation Act (No. 2) 2012-2013* are amended as set out in the Chapters to this Determination.

4 Definitions

In this Determination:

- **DCCEE** means the former Department of Climate Change and Energy Efficiency.
- **DIICCSRTE** means the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education.
- **DRET** means the Department of Resources, Energy and Tourism.
- **FMA Act** means the *Financial Management and Accountability Act 1997*.

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

(Clause 3)

[1] **Schedule 1, Climate Change and Energy Efficiency portfolio, Department of Climate Change and Energy Efficiency table**

Omit the table and insert

CLIMATE CHANGE AND ENERGY EFFICIENCY PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (*italic figures*)—2011-2012

	Departmental \$'000	Administered \$'000	Total \$'000
DEPARTMENT OF CLIMATE CHANGE AND ENERGY EFFICIENCY			
Outcome 1 -			
Reduction of Australia's greenhouse gas emissions, adaptation to the impacts of climate change, and negotiation of an effective global solution, through the development and implementation of a national response to climate change; and bilateral, regional and multilateral engagement internationally	104,297 <i>177,948</i>	41,421.24022 <i>1,335,200</i>	145,718.24022 <i>1,513,148</i>
Total: Department of Climate Change and Energy Efficiency	104,297 <i>177,948</i>	41,421.24022 <i>1,335,200</i>	145,718.24022 <i>1,513,148</i>

[2] **Schedule 1, Climate Change and Energy Efficiency portfolio, after the Department of Climate Change and Energy Efficiency table**

Insert

Note 1: *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)* repealed the table for the Department of Climate Change and Energy Efficiency (DCCEE) and replaced it with a new table. These amendments only dealt with the transfer of amounts appropriated in the administered item for DCCEE and did not deal with the transfer of amounts appropriated in the departmental item for DCCEE.

The administered item for Outcome 1 was reduced by \$65,744,759.78 and this amount was transferred from the former DCCEE in part to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE) and in part to the Department of Resources, Energy and Tourism (DRET). Consequential amendments were also made to the table.

The amended administered item for Outcome 1 comprises administered amounts spent during 2012-2013 by DCCEE, before DCCEE was abolished on 25 March 2013, together with excess administered amounts not required for the remainder of 2012-2013.

These changes were made to implement the amendments to the *Administrative Arrangements Order* made on 25 March 2013. Functions of the former DCCEE were transferred:

- (a) in relation to climate change, to DIICCSRTE; and
- (b) in relation to energy efficiency, to DRET.

[3] Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, Department of Industry, Innovation, Science, Research and Tertiary Education table

Omit the table and insert

INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (*italic figures*)—2011-2012

	Departmental \$'000	Administered \$'000	Total \$'000
DEPARTMENT OF INDUSTRY, INNOVATION, CLIMATE CHANGE, SCIENCE, RESEARCH AND TERTIARY EDUCATION			
Outcome 1 -			
The sustainable development and growth of Australian industry - particularly the manufacturing, services and small business sectors - by encouraging businesses to innovate, collaborate and commercialise ideas, and by delivering business advice, assistance and services	290,205 <i>302,359</i>	668,165 <i>700,848</i>	958,370 <i>1,003,207</i>
Outcome 2 -			
Production, use and awareness of science and research knowledge, by supporting research activity; training and infrastructure; science communication; skill development; and collaboration, within the research sector and between researchers and industry, domestically and internationally	55,873 <i>55,164</i>	54,514 <i>72,290</i>	110,387 <i>127,454</i>
Outcome 3 -			
A growth in skills, qualifications and productivity through funding to improve teaching quality, learning, and tertiary sector infrastructure, international promotion of Australia's education and training sectors, and partnerships with industry	169,263 -	1,750,069 <i>1,033,809</i>	1,919,332 <i>1,033,809</i>
Outcome 4 -			
Reduction of Australia's greenhouse gas emissions, adaptation to the impacts of climate change, and negotiation of an effective global solution, through the development and implementation of a national response to climate change; and bilateral, regional and multilateral engagement internationally	- -	13,321.83915 -	13,321.83915 -
Total: Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	515,341 <i>357,523</i>	2,486,069.83915 <i>1,806,947</i>	3,001,410.83915 <i>2,164,470</i>

[4] Schedule 1, Industry, Innovation, Science, Research and Tertiary Education portfolio, after the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education table

After Note 4, insert

Note 5: *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)* repealed the table for the Department of Industry, Innovation, Science, Research and Tertiary Education and replaced it with a new table for the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE), the effect of which was to:

- recognise the change in the name of the Department;
- insert Outcome 4, and insert the administered item for Outcome 4, to transfer \$13,321,839.15 of the unspent administered amount from the former Department of Climate Change and Energy Efficiency (DCCEE) to DIICCSRTE; and

- (c) make consequential changes to the table.

The determination retains the Outcome 1 text from the former DCCEE for the new Outcome 4 of DIICCSRTE. This enables the relevant parts of the Portfolio Budget Statements tabled in relation to DCCEE at Budget 2012-2013 to be used for interpreting the relevant activities of DIICCSRTE.

Amendments to the table have been limited to those required to implement the changes in the *Administrative Arrangements Order*. Accordingly, references to the Industry, Innovation, Science, Research and Tertiary Education portfolio were not amended to reflect the new name of the Department, to maintain coherence with the existing structure of this Act, including the table of contents. On a related matter, orders made under section 19B of the *Acts Interpretation Act 1901* enable statutory references to a particular Department's name to be read as a reference to a new Department's name.

These changes were made to implement the amendments to the *Administrative Arrangements Order* made on 25 March 2013. Functions of the former DCCEE in relation to climate change were transferred to DIICCSRTE.

[5] Schedule 1, Resources, Energy and Tourism portfolio, Department of Resources, Energy and Tourism table

Omit the table and insert

RESOURCES, ENERGY AND TOURISM PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (*italic figures*)—2011-2012

	Departmental \$'000	Administered \$'000	Total \$'000
DEPARTMENT OF RESOURCES, ENERGY AND TOURISM			
Outcome 1 -			
The improved strength, competitiveness and sustainability of the Resources, Energy and Tourism industries to enhance Australia's prosperity through implementation of government policy and programs (including to perform the activities indicated in the Portfolio Budget Statements for 2012-2013 of the Department of Climate Change and Energy Efficiency as being activities in respect of Outcome 1 for that Department)	81,680 <i>114,045</i>	371,201.92063 <i>986,741</i>	452,881.92063 <i>1,100,786</i>
Total: Department of Resources, Energy and Tourism	81,680 <i>114,045</i>	371,201.92063 <i>986,741</i>	452,881.92063 <i>1,100,786</i>

[6] Schedule 1, Resources, Energy and Tourism portfolio, after the Department of Resources, Energy and Tourism table

Insert

Note 1: *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)* repealed the table for the Department of Resources, Energy and Tourism (DRET) and replaced it with a new table.

The administered item for Outcome 1 was amended to transfer \$52,422,920.63 of the unspent administered amount from the former Department of Climate Change and Energy Efficiency (DCCEE) to DRET. Consequential amendments were also made to the table.

These changes were made to implement the amendments to the *Administrative Arrangements Order* made on 25 March 2013. Functions of the former DCCEE in relation to energy efficiency were transferred to DRET.

Chapter 2 **Amendment of Appropriation Act (No. 2) 2012-2013**

(Clause 3)

- [1] **Schedule 1—Payments to or for the States, ACT, NT and local government, after the “Department of Regional Australia, Local Government, Arts and Sport” row, and before the “Department of Sustainability, Environment, Water, Population and Communities” row**

Insert a new row

Department of Resources, Energy and Tourism	The improved strength, competitiveness and sustainability of the Resources, Energy and Tourism industries to enhance Australia’s prosperity through implementation of government policy and programs (including to perform the activities indicated in the Portfolio Budget Statements for 2012-2013 of the Department of Climate Change and Energy Efficiency as being activities in respect of Outcome 1 for that Department)	Minister for Resources and Energy	Minister for Resources and Energy
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- [2] **Schedule 2, Climate Change and Energy Efficiency portfolio, Department of Climate Change and Energy Efficiency table**

Omit the table and insert

CLIMATE CHANGE AND ENERGY EFFICIENCY PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (italic figures)—2011-2012

	Payments to States, ACT, NT and local government \$'000	New Administered Outcomes \$'000	Total \$'000
DEPARTMENT OF CLIMATE CHANGE AND ENERGY EFFICIENCY			
Operating			
Outcome 1 -			
Reduction of Australia’s greenhouse gas emissions, adaptation to the impacts of climate change, and negotiation of an effective global solution, through the development and implementation of a national response to climate change; and bilateral, regional and multilateral engagement internationally	6,839.23732 <i>7,138</i>	- -	6,839.23732 <i>7,138</i>
Total: Operating	6,839.23732 <i>7,138</i>	- -	6,839.23732 <i>7,138</i>
Non-operating			
Equity Injections			100 <i>30,801</i>
Total: Non-operating			100 <i>30,801</i>
Total: Department of Climate Change and Energy Efficiency	6,839.23732 <i>7,138</i>	- -	6,939.23732 <i>37,939</i>

[3] Schedule 2, Climate Change and Energy Efficiency portfolio, after the Department of Climate Change and Energy Efficiency table

Insert

Note 1: *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)* repealed the table for the Department of Climate Change and Energy Efficiency (DCCEE) and replaced it with a new table.

The State, ACT, NT and local government item for Outcome 1, was reduced by \$49,762.68 and this amount was transferred from the former DCCEE to the Department of Resources, Energy and Tourism (DRET). Consequential amendments were also made to the table. The amended State, ACT, NT and local government item for Outcome 1 represents State, ACT, NT and local government amounts spent during 2012-2013 by DCCEE before it was abolished on 25 March 2013.

These changes were made to implement the amendments to the *Administrative Arrangements Order* made on 25 March 2013. Functions of the former DCCEE in relation to energy efficiency were transferred to DRET.

[4] Schedule 2, Resources, Energy and Tourism portfolio, Department of Resources, Energy and Tourism table

Omit the table and insert

RESOURCES, ENERGY AND TOURISM PORTFOLIO

Appropriation (plain figures)—2012-2013
Actual Available Appropriation (italic figures)—2011-2012

	Payments to States, ACT, NT and local government \$'000	New Administered Outcomes \$'000	Total \$'000
DEPARTMENT OF RESOURCES, ENERGY AND TOURISM			
Operating			
Outcome 1 -			
The improved strength, competitiveness and sustainability of the Resources, Energy and Tourism industries to enhance Australia's prosperity through implementation of government policy and programs (including to perform the activities indicated in the Portfolio Budget Statements for 2012-2013 of the Department of Climate Change and Energy Efficiency as being activities in respect of Outcome 1 for that Department)	49.76268	-	49.76268
	-	-	-
Total: Operating	49.76268	-	49.76268
	-	-	-
Non-operating			
Equity Injections			-
			4,963
Total: Non-operating			-
			4,963
Total: Department of Resources, Energy and Tourism	49.76268	-	49.76268
	-	-	4,963

[5] Schedule 2, Resources, Energy and Tourism portfolio, after the Department of Resources, Energy and Tourism table

Insert

Note 1: *FMA Act Determination 2013/01 — Section 32 (Transfer of Functions from DCCEE to DIICCSRTE and DRET)* repealed the table for the Department of Resources, Energy and Tourism (DRET) and replaced it with a new table.

The table inserted a new State, ACT, NT and local government item for Outcome 1 for DRET, to transfer \$49,762.68 of the unspent State, ACT, NT and local government amount from the former Department of Climate Change and Energy Efficiency (DCCEE) to DRET. Consequential amendments were also made to the table.

These changes were made to implement the amendments to the *Administrative Arrangements Order* made on 25 March 2013. Functions of the former DCCEE in relation to energy efficiency were transferred to DRET.