



## **FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)**

*Financial Management and Accountability Act 1997*

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I, STEIN HELGEBY, Deputy Secretary, Governance and Resource Management Group, Department of Finance, make this Determination under section 32 of the *Financial Management and Accountability Act 1997* (FMA Act), as delegate of the Secretary of the Department of Finance, who, in turn, is a delegate of the Finance Minister.

This Determination is made in response to the Administrative Arrangements Order, made on 18 September 2013. The Department of Education, Employment and Workplace Relations (DEEWR) has been abolished and its functions were transferred:

- in relation to education, to the Department of Education (Education); and
- in relation to employment, to the Department of Employment (Employment).

Dated 13 December 2013

STEIN HELGEBY  
Deputy Secretary  
Governance and Resource Management Group  
Department of Finance

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## 1 Name of Determination

This Determination is the *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*.

## 2 Commencement

This Determination commences on 13 December 2013.

## 3 Purpose

The purpose of this Determination is to adjust amounts appropriated as a further interim measure, to support functions transferred to the Department of Education and the Department of Employment, from the former Department of Education, Employment and Workplace Relations, consistent with the Administrative Arrangements Order made on 18 September 2013.

*Note 1:* This Determination has been made under section 32 of the FMA Act by a delegate of the Secretary of the Department of Finance. The Secretary is a delegate of the Finance Minister (in accordance with section 62 of the FMA Act) and the Secretary has, in turn, sub-delegated that power to the signatory of this Determination (in accordance with section 53 of the FMA Act).

*Note 2:* On 18 September 2013, the Governor-General in Council acting on the Prime Minister's recommendation under section 64 of the Constitution:

- abolished the Department of Education, Employment and Workplace Relations;
- established the Department of Education; and
- established the Department of Employment.

*Note 3:* This Determination is the third transfer of appropriations in relation to the abolition of the Department of Education, Employment and Workplace Relations. An initial transfer of appropriations commenced on 18 September 2013, under *FMA Act Determination 2013/06 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*. A second transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)*.

## 4 Amendment of Appropriation Act

Schedule 1 of *Appropriation Act (No. 1) 2013-2014* is amended as set out in Schedule 1 to this Determination.

Schedule 2 of *Appropriation Act (No. 2) 2013-2014* is amended as set out in Schedule 2 to this Determination.

## 5 Definitions

In this Determination, unless the contrary intention appears, **FMA Act** means the *Financial Management and Accountability Act 1997*.

# Schedule 1 Amendment of Appropriation Act (No. 1) 2013-2014

## 1 At the end of Schedule 1, after the note to Table 25 for FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)

Insert:

### 15 FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)

Schedule 1 to this Act is amended in accordance with section 32 of the *Financial Management and Accountability Act 1997* (FMA Act).

#### Amendment of appropriations in Table 26:

Amendments to appropriations are as specified in Table 26.

The appropriation item (listed in Column 1) for the Agency (listed in Column 2) is amended by the relevant amount (listed in Column 3). A positive amount in Column 3 is an increase in the appropriation and a negative amount is a decrease in the appropriation.

**Table 26: Amendment of appropriations**

	Column 1	Column 2	Column 3
Item	Appropriation item	Agency	Amount \$'000
1	Administered item, Outcome 1	Department of Education	+122,895
2	Administered item, Outcome 1	Department of Education, Employment and Workplace Relations	-122,895
3	Administered item, Outcome 2	Department of Education	+87,033
4	Administered item, Outcome 2	Department of Education, Employment and Workplace Relations	-87,033
5	Administered item, Outcome 1	Department of Employment	+310,900
6	Administered item, Outcome 3	Department of Education, Employment and Workplace Relations	-310,900
7	Administered item, Outcome 2	Department of Employment	+10,806
8	Administered item, Outcome 4	Department of Education, Employment and Workplace Relations	-10,806
9	Departmental item	Department of Education	+44,000
10	Departmental item	Department of Employment	+44,000
11	Departmental item	Department of Education, Employment and Workplace Relations	-88,000

Note: Section 32 of the FMA Act enables the Finance Minister to determine that Schedules to Appropriation Acts are amended in relation to a transfer of functions between Agencies. A determination under section 32 of the FMA Act cannot result in a change to the total amount appropriated. *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)* affects this Act in a specified way to result in no change to the total amount appropriated.

Due to a change to the Administrative Arrangements Order made on 18 September 2013, functions relating to education were transferred from the former Department of Education, Employment and Workplace Relations to the Department of Education and functions relating to employment were transferred to the Department of Employment.

This Determination is the third transfer of appropriations in relation to the abolition of the Department of Education, Employment and Workplace Relations. An initial transfer of appropriations commenced on 18 September 2013, under *FMA Act Determination 2013/06 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*. A second transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)*.

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

After Note 2, insert:

Note 3: *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*, decreased the administered items for Outcome 1, Outcome 2, Outcome 3 and Outcome 4, and the departmental item, for the former Department of Education, Employment and Workplace Relations (DEEWR) by the amount specified in Table 26 at the end of Schedule 1 to this Act.

## Schedule 2 Amendment of Appropriation Act (No. 2) 2013-2014

### 1 At the end of Schedule 2, after the note to Table 9 for FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)

Insert:

#### 6 FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)

Schedule 2 to this Act is amended in accordance with section 32 of the *Financial Management and Accountability Act 1997* (FMA Act).

##### Amendment of appropriations in Table 10:

Amendments to appropriations are as specified in Table 10.

The appropriation item (listed in Column 1) for the Agency (listed in Column 2) is amended by the relevant amount (listed in Column 3). A positive amount in Column 3 is an increase in the appropriation and a negative amount is a decrease in the appropriation.

**Table 10: Amendment of appropriations**

	Column 1	Column 2	Column 3
Item	Appropriation item	Agency	Amount \$'000
1	State, ACT, NT and local government item, Outcome 2	Department of Education	+25,000
2	State, ACT, NT and local government item, Outcome 2	Department of Education, Employment and Workplace Relations	-25,000

Note: Section 32 of the FMA Act enables the Finance Minister to determine that Schedules to Appropriation Acts are amended in relation to a transfer of functions between Agencies. A determination under section 32 of the FMA Act cannot result in a change to the total amount appropriated. *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)* affects this Act in a specified way to result in no change to the total amount appropriated.

Due to a change to the Administrative Arrangements Order made on 18 September 2013, functions relating to education were transferred from the former Department of Education, Employment and Workplace Relations to the Department of Education.

This Determination is the third transfer of appropriations in relation to the abolition of the Department of Education, Employment and Workplace Relations. An initial transfer of appropriations commenced on 18 September 2013, under *FMA Act Determination 2013/06 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*. A second transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)*.

### 2 Schedule 2, Education, Employment and Workplace Relations portfolio, after the Department of Education, Employment and Workplace Relations table

After Note 2, insert:

Note 3: *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*, decreased the State, ACT, NT and local government item for Outcome 2 for the former Department of Education, Employment and Workplace Relations (DEEWR) by the amount specified in Table 10 at the end of Schedule 2 to this Act.