

EXPLANATORY STATEMENT

Financial Management and Accountability Act 1997

FMA Act Determination 2014/03 — Section 32 (Transfer of Functions from DEEWR to Education and Employment) (the Determination)

Purpose of the Determination

The Determination is made under section 32 of the *Financial Management and Accountability Act 1997* (FMA Act), to adjust amounts appropriated to particular agencies in response to the Administrative Arrangements Order made on 18 September 2013.

The Determination further adjusts appropriations to support functions transferring from the former Department of Education, Employment and Workplace Relations to:

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

This Determination is the fourth transfer of appropriations in relation to the abolition of the Department of Education, Employment and Workplace Relations. An initial transfer of appropriations occurred 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)*. A third transfer of appropriations commenced on 13 December 2013, under *FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)*.

Further transfers of appropriations may be implemented, including through Appropriation Acts.

Transfer of Functions generally

Section 32 of the FMA Act enables the Finance Minister to determine that one or more Schedules to one or more Appropriation Acts are amended in a specified way in relation to the transfer of a function from one Agency to another.

Under section 62 of the FMA Act, the Finance Minister has delegated the power to make determinations under section 32 to the Secretary of the Department of Finance. Under section 53 of the FMA Act, the Secretary has, in turn, sub-delegated this power to certain Senior Executive Service officials within the Department of Finance, including the official who made the Determination.

The Determination is a legislative instrument for the purposes of section 5 of the *Legislative Instruments Act 2003*.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is not required for the Determination. Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires a Statement of Compatibility with Human Rights for all legislative instruments subject to disallowance under section 42 of the *Legislative Instruments Act 2003*. A determination under section 32 of the FMA Act is exempt from disallowance under subsection 32(7) of the FMA Act. As such, a Statement of Compatibility with Human Rights is not required.

Consultation and Impact

Consistent with Part 3 of the *Legislative Instruments Act 2003*, Education and Employment were consulted in the preparation of the Determination.

Summary of Changes

The Determination affects Schedule 1 to the *Appropriation Act (No. 1) 2013-2014* in the following way, which results in no change to the total amount appropriated by Parliament:

Agency affected	Item affected	Appropriation Act	Transfer to \$ '000	Transfer from \$ '000
Department of Education	Administered item, Outcome 1 (early childhood, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>	+137,877	
Department of Education, Employment and Workplace Relations	Administered item, Outcome 1 (early childhood, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>		-137,877
Department of Education	Administered item, Outcome 2 (school students, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>	+113,739	
Department of Education, Employment and Workplace Relations	Administered item, Outcome 2 (school students, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>		-113,739
Department of Employment	Administered item, Outcome 1 (skills, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>	+699,063	
Department of Education, Employment and Workplace Relations	Administered item, Outcome 3 (skills, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>		-699,063
Department of Employment	Administered item, Outcome 2 (workplaces, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>	+5,915	
Department of Education, Employment and Workplace Relations	Administered item, Outcome 4 (workplaces, etc)	<i>Appropriation Act (No. 1) 2013-2014</i>		-5,915
Department of Education	Departmental item	<i>Appropriation Act (No. 1) 2013-2014</i>	+5,000	
Department of Employment	Departmental item	<i>Appropriation Act (No. 1) 2013-2014</i>	+45,000	
Department of Education, Employment and Workplace Relations	Departmental item	<i>Appropriation Act (No. 1) 2013-2014</i>		-50,000
Total			+1,006,594	-1,006,594

The Determination affects Schedule 2 to the *Appropriation Act (No. 2) 2013-2014* in the following way, which results in no change to the total amount appropriated by Parliament:

Agency affected	Item affected	Appropriation Act	Transfer to \$ '000	Transfer from \$ '000
Department of Education	State, ACT, NT and local government item, Outcome 2 (school students, etc)	<i>Appropriation Act (No. 2) 2013-2014</i>	+5,092	
Department of Education, Employment and Workplace Relations	State, ACT, NT and local government item, Outcome 2 (school students, etc)	<i>Appropriation Act (No. 2) 2013-2014</i>		-5,092
Total			+5,092	-5,092