



FMA Act Determination 2008/13 — Section 32 (Transfer of Functions from former DITR to DIISR)

Financial Management and Accountability Act 1997

I, Tim Youngberry, Division Manager, 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 because of changes in the administrative arrangements on 3 December 2007, specifically the abolition of the Department of Industry, Tourism and Resources, and the transfer of the industry and innovation related functions to the Department of Innovation, Industry, Science and Research.

Dated 29th April 2008

Tim Youngberry
Division Manager
Financial Reporting and Cash Management Division
Department of Finance and Deregulation

1 Name of Determination

This Determination is the *FMA Act Determination 2008/13 — Section 32 (Transfer of Functions from former DITR to DIISR)*.

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: see sections 53 and 62 of the FMA Act.

Note 2 The Appropriation Acts, as made, refer to the names of particular Departments. However, some of those references have changed due to the reorganisation of government functions on 3 December 2007. The relevant changes are:

- (a) the Industry, Tourism and Resources portfolio was abolished; and
- (b) the Department of Industry, Tourism and Resources was abolished; and
- (c) the Innovation, Industry, Science and Research portfolio was established; and
- (d) the Department of Innovation, Industry, Science and Research was established.

Note 3 Acronyms and other organisational names used in this Determination are as follows:

- (a) “DITR” – refers to the Department of Industry, Tourism and Resources.
- (b) “DIISR” – refers to the Department of Innovation, Industry, Science and Research.

2 Commencement

This Determination is taken to have commenced on 3 December 2007.

Note Under subsection 32 (8) of the FMA Act, a Determination may be expressed to take effect before its making and registration under the *Legislative Instruments Act 2003*.

3 Amendment of *Appropriation Act (No. 1) 2004-2005*

Schedule 1 amends the *Appropriation Act (No. 1) 2004–2005* to transfer an amount of \$111,600.50 of the administered item for Outcome 1 for the former Department of Industry, Tourism and Resources to Outcome 1 of the administered item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry related functions.

4 Amendment of Appropriation Act (No. 1) 2005-2006

Schedule 2 amends the *Appropriation Act (No. 1) 2005–2006* to transfer an amount of \$3,738,697.00 of the administered item for Outcome 1 for the former Department of Industry, Tourism and Resources to Outcome 1 of the administered item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry related functions.

5 Amendment of Appropriation Act (No. 1) 2006-2007

Schedule 3 amends the *Appropriation Act (No. 1) 2006-2007* to transfer an amount of \$10,252,941.44 of the administered item for Outcome 1 for the former Department of Industry, Tourism and Resources to Outcome 1 of the administered item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry related functions.

6 Amendment of Appropriation Act (No. 2) 2006-2007

Schedule 4 amends the *Appropriation Act (No. 2) 2006-2007* to transfer an amount of \$396,208.66 of the States, ACT, NT and local government item for Outcome 1 for the former Department of Industry, Tourism and Resources to Outcome 1 of the States, ACT, NT and local government item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry related functions.

7 Amendment of Appropriation Act (No. 1) 2007-2008

Schedule 5 amends the *Appropriation Act (No. 1) 2007–2008* to transfer:

(a) an amount of \$170,913,709.48 of the departmental item for the former Department of Industry, Tourism and Resources to the departmental item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry and innovation related functions.

(b) an amount of \$174,536,374.78 of the administered item for Outcome 1 for the former Department of Industry, Tourism and Resources to Outcome 1 of the administered item for the Department of Innovation, Industry, Science and Research

Note The amount transferred relates to the transfer of industry related functions.

(c) an amount of \$152,856,524.30 of the administered item for Outcome 2 for the former Department of Industry, Tourism and Resources to Outcome 2 of the administered item for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of innovation related functions.

8 Amendment of *Appropriation Act (No. 2) 2007-2008*

Schedule 6 amends the *Appropriation Act (No. 2) 2007–2008* to:

(a) to transfer an amount of \$12,156,740.00 of “Equity Injections” from the former Department of Industry, Tourism and Resources to the Equity Injections for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry and innovation related functions.

(b) to transfer an amount of \$32,038,132.49 of “administered assets and liabilities” from the former Department of Industry, Tourism and Resources to the administered assets and liabilities for the Department of Innovation, Industry, Science and Research.

Note The amount transferred relates to the transfer of industry and innovation related functions.

9 Revocation of Previous Instrument

This Determination revokes and replaces the *Financial Management and Accountability Act 1997 Determination 2007/05 – Section 32 (Transfer from the Department of Industry, Tourism and Resources to the Department of Innovation, Industry, Science and Research)* made on 7 December 2007.

10 Savings

(a) Nothing in clause 9 affects the validity of anything done under the *Financial Management and Accountability Act 1997 Determination 2007/05 – Section 32 (Transfer from the Department of Industry, Tourism and Resources to the Department of Innovation, Industry, Science and Research)*.

(b) Nothing in this Determination affects the validity of expenditure under an appropriation that existed at the time of the expenditure.

Schedule 1 **Amendment of *Appropriation Act*** **(No. 1) 2004–2005**

(section 3)

**[1] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
1, Administered Expenses**

omit

306,367

insert

306,255.3995

**[2] Schedule 1, Industry, Tourism and Resources portfolio, after the
Department of Industry, Tourism and Resources table**

insert

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. 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 entity under the heading “Departmental Outputs”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading “Administered Expenses”.

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount to the Department of Innovation, Industry, Science and Research.

[3] Schedule 1, Industry, Tourism and Resources portfolio, after the National Standards Commission table

insert

INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO

Appropriation (plain figures)—2004-2005

	Departmental Outputs	Administered Expenses	Total
	\$'000	\$'000	\$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH			
Outcome 1 -			
A stronger, sustainable and internationally competitive Australian industry, comprising the manufacturing, resources and services sectors		111.6005	
Total: Department of Innovation, Industry, Science and Research			

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the "Total" amount in relation to an entity under the heading "Departmental Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Administered Expenses".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount from the former Department of Industry, Tourism and Resources.

Schedule 2 **Amendment of Appropriation Act (No. 1) 2005–2006**

(section 4)

**[1] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
1, Administered Expenses**

omit

306,947

insert

303,208.303

**[2] Schedule 1, Industry, Tourism and Resources portfolio, after the
Department of Industry, Tourism and Resources table**

insert

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. 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 entity under the heading “Departmental Outputs”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading “Administered Expenses”.

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount to the Department of Innovation, Industry, Science and Research.

**[3] Schedule 1, Industry, Tourism and Resources portfolio, after the
Tourism Australia table**

insert

INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO

Appropriation (plain figures)—2005-2006

	Departmental Outputs	Administered Expenses	Total
	\$'000	\$'000	\$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH			
Outcome 1 -			
A stronger, sustainable and internationally competitive Australian Industry, comprising the manufacturing, resources and services sectors		3,738.697	
Total: Department of Innovation, Industry, Science and Research			

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the "Total" amount in relation to an entity under the heading "Departmental Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Administered Expenses".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount from the former Department of Industry, Tourism and Resources.

Schedule 3 **Amendment of *Appropriation Act*** **(No. 1) 2006–2007**

(section 5)

**[1] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
1, Administered Expenses**

omit

284,665

insert

274,412.05856

**[2] Schedule 1, Industry, Tourism and Resources portfolio, after the
Department of Industry, Tourism and Resources table**

insert

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. 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 entity under the heading “Departmental Outputs”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading “Administered Expenses”.

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount to the Department of Innovation, Industry, Science and Research.

**[3] Schedule 1, Industry, Tourism and Resources portfolio, after the
Tourism Australia table**

insert

INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO

Appropriation (plain figures)—2006-2007

	Departmental Outputs	Administered Expenses	Total
	\$'000	\$'000	\$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH			
Outcome 1 -			
A stronger, sustainable and internationally competitive Australian Industry, comprising the manufacturing, resources and services sectors		10,252.94144	
Total: Department of Innovation, Industry, Science and Research			

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the "Total" amount in relation to an entity under the heading "Departmental Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Administered Expenses".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amount alongside Outcome 1, under the heading Administered Expenses, to transfer an amount from the former Department of Industry, Tourism and Resources.

Schedule 4 **Amendment of *Appropriation Act (No. 2) 2006–2007***

(section 6)

**[1] Schedule 2, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
1, Payments to States, ACT, NT and local government**

omit

25,690

insert

25,293.79134

**[2] Schedule 2, Industry, Tourism and Resources portfolio, after the
Department of Industry, Tourism and Resources table**

insert

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, Act, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT, and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amount alongside Outcome 1, under the heading Payments to States, ACT, NT and local government, to transfer an amount to the Department of Innovation, Industry, Science and Research.

[3] Schedule 2, Industry, Tourism and Resources portfolio, after the Geoscience Australia table

insert

INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO

Appropriation (plain figures)—2006-2007

	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Total \$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH			
Operating Outcome 1			
A stronger, sustainable and internationally competitive Australian industry, comprising the manufacturing, resources and services sectors	396.20866		
Total Operating			
Non-operating			
Equity injections			
Administered Assets and Liabilities			
Total: Non-operating			
Total: Department of Innovation, Industry, Science and Research			

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, Act, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT, and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amount alongside Outcome 1, under the heading Payments to States, ACT, NT and local government, to transfer an amount from the former Department of Industry, Tourism and Resources.

Schedule 5 Amendment of *Appropriation Act (No. 1) 2007–2008*

(section 7)

- [1] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, total for
Department of Industry, Tourism and Resources, Departmental
Outputs**

omit

335,848

insert

164,934.29052

- [2] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
1, Administered Expenses**

omit

441,428

insert

266,891.62522

- [3] Schedule 1, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Outcome
2, Administered Expenses**

omit

239,590

insert

86,733.4757

[4] Schedule 1, Industry, Tourism and Resources portfolio, after the Department of Industry, Tourism and Resources table*insert*

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. 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 entity under the heading "Departmental Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Administered Expenses".

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amount alongside Total: Department of Industry, Tourism and Resources, under the heading Departmental Outputs, and the amount alongside Outcome 1 and Outcome 2, under the heading Administered Expenses, to transfer an amount to the Department of Innovation, Industry, Science and Research.

**[5] Schedule 1, Industry, Tourism and Resources portfolio, after the
Tourism Australia table**

insert

INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO

Appropriation (plain figures)—2007-2008

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESOURCES			
Outcome 1 -			
A stronger, sustainable and internationally competitive Australian industry, comprising the manufacturing, resources and services sectors		174,536.37478	
Outcome 2 -			
Enhanced economic and social benefits through a strengthened national system of innovation		152,856.5243	
Total: Department of Innovation, Industry, Science and Research	170,913.70948		

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the "Total" amount in relation to an entity under the heading "Departmental Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Administered Expenses".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amount alongside Total: Department of Industry, Tourism and Resources, under the heading Departmental Outputs, and the amounts alongside Outcome 1 and Outcome 2, under the heading Administered Expenses, to transfer amounts from the former Department of Industry, Tourism and Resources.

**Schedule 6 Amendment of *Appropriation Act*
(No. 2) 2007-2008**

(section 8)

**[1] Schedule 2, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table, Equity
Injections**

omit

15,215

insert

3,058.26

**[2] Schedule 2, Industry, Tourism and Resources portfolio,
Department of Industry, Tourism and Resources table,
Administered Assets and Liabilities**

omit

43,761

insert

11,722.86751

[3] Schedule 2, Industry, Tourism and Resources portfolio, after the Department of Industry, Tourism and Resources table

insert

Note 1: The table has been amended by a Determination under section 32 of the FMA Act. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, Act, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT, and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: FMA Act Section 32 Determination 2008/13 amended the amounts alongside Equity Injections and Administered Assets and Liabilities, under the heading Total, to transfer amounts to the Department of Innovation, Industry, Science and Research.

[4] Schedule 2, Industry, Tourism and Resources portfolio, after the IP Australia table*insert***INNOVATION, INDUSTRY, SCIENCE AND RESEARCH PORTFOLIO**

Appropriation (plain figures)—2007-2008

	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Total \$'000
DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH			
Operating			
Outcome 1 -			
A stronger, sustainable and internationally competitive Australian industry, comprising the manufacturing, resources and services sectors			
Total: Operating			
Non-operating			
Equity Injections			12,156.74
Administered Assets and Liabilities			32,038.13249
Total: Non-operating			
Total: Department of Innovation, Industry, Science and Research Portfolio			

Note 1: The table has been inserted by a Determination under section 32 of the FMA Act. That determination has inserted only the actual appropriation items:

- for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years Outputs"; and
- for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- for State, Act, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT, and local government"; and
- for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been inserted.

Note 2: FMA Act Section 32 Determination 2008/13 inserted the amounts alongside Equity Injections and Administered Assets and Liabilities, under the heading Total, to transfer amounts from the former Department of Industry, Tourism and Resources.