

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Minister for Finance and Deregulation

FMA Act Determination 2008/42— Section 32 (Transfer of Functions from the former DEST to DEEWR)

Subsection 32(2) of the *Financial Management and Accountability Act 1997* (FMA Act) provides that the Minister for Finance and Deregulation (Finance Minister) may, by determination, amend Schedules to annual Appropriation Acts to transfer appropriations in connection with the transfer of a function between agencies under the FMA Act. The determination has the effect of amending the Schedules concerned in accordance with the determination.

This power has been delegated from the Finance Minister to the Secretary of the Department of Finance and Deregulation under section 62 of the FMA Act.

Special Gazette No. S254 reflects the administrative arrangements order of 3 December 2007, made by the Governor-General in Council, which resulted in the abolition and establishment of Departments of State. As a result of these changes various annual Appropriation Acts require amendment in order to reflect the changes in departmental arrangements.

The purpose of this Determination is to allow a transfer of appropriations from the former Department of Education, Science and Training (DEST) to the Department of Education, Employment and Workplace Relations (DEEWR). The appropriation amounts transferred are as follows:

- From annual *Appropriation Act (No. 1) 2004-2005* an amount of \$7,718,560.78 of the departmental item for the former DEST to the departmental item for DEEWR; and
- From annual *Appropriation Act (No. 1) 2004-2005* an amount of \$4,273,051.44 of the departmental item for the former DEST to the departmental item for DEEWR.

In accordance with the *Legislative Instruments Act 2003*, the former DEST and DEEWR were consulted in the preparation of this instrument.

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