

FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)

*Financial Management and Accountability Act 1997*

I, ALAN GREENSLADE, First Assistant Secretary, Financial Reporting and Cash Management Division, 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 Regional Australia, Local Government, Arts and Sport was abolished on 18 September 2013 by the Governor-General in Council acting under section 64 of the Constitution and its functions were transferred:

* in relation to arts, to the Attorney-General's Department; and
* in relation to regional development and local government, to the Department of Infrastructure and Regional Development (previously the Department of Infrastructure and Transport).

Dated: 8 November 2013

ALAN GREENSLADE

First Assistant Secretary

Financial Reporting and Cash Management Division

Department of Finance

1 Name of Determination

 This Determination is the *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)*

2 Commencement

 This Determination commences on 8 November 2013.

3 Purpose

 The purpose of this Determination is to adjust amounts appropriated, as an interim measure, to support functions from the former Department of Regional Australia, Local Government, Arts and Sport transferred to the Attorney-General’s Department and the Department of Infrastructure and Regional Development, 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 Regional Australia, Local Government, Arts and Sport; and
* renamed the Department of Infrastructure and Transport as the Department of Infrastructure and Regional Development.

Note 3: This Determination relates to the second transfer of appropriations. An initial transfer of appropriations relating to the Administrative Arrangements Order occurred on 20 September 2013, under FMA Act Determination 2013/07 — Section 32 (Transfer of Functions from DRALGAS to AGD, Health and DIRD).

4 Amendment of Appropriation Acts

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

 Schedule 2 to the *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 18 for FMA Act Determination 2013/13 — Section 32 (Transfer of Functions from Social Services to PM&C)

Insert:

9 FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)

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 19:**

Amendments to appropriations are as specified in Table 19.

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 19: Amendment of appropriations

|  | Column 1 | Column 2 | Column 3 |
| --- | --- | --- | --- |
| Item | Appropriation item | Agency | Amount $’000  |
| 1 | Administered item, Outcome 3 | Department of Infrastructure and Regional Development | +205,007 |
| 2 | Administered item, Outcome 1 | Department of Regional Australia, Local Government, Arts and Sport | -205,007 |
| 3 | Administered item, Outcome 4 | Department of Infrastructure and Regional Development | +55,440 |
| 4 | Administered item, Outcome 2 | Department of Regional Australia, Local Government, Arts and Sport | -55,440 |
| 5 | Administered item, Outcome 2 | Attorney-General's Department | +99,701 |
| 6 | Administered item, Outcome 3 | Department of Regional Australia, Local Government, Arts and Sport | -99,701 |

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 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* 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 on 18 September 2013, functions from the former Department of Regional Australia, Local Government, Arts and Sport were transferred: in relation to arts, to the Attorney-General's Department; and, in relation to regional development and local government, to the Department of Infrastructure and Regional Development.

An initial transfer of appropriations relating to the transfer of functions for the Administrative Arrangements Orderoccurred on 20 September 2013under FMA Act Determination 2013/07 *—* Section 32 (Transfer of Functions *from DRALGAS to AGD, Health and DIRD*). This Determination relates to the second transfer of appropriations.

2 Schedule 1, Attorney-General’s portfolio, after the Attorney-General’s Department table

After Note 1, insert:

Note 2: *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* increased the administered item for Outcome 2 for the Attorney‑General's Department by the amount specified in Table 19 at the end of Schedule 1 to this Act.

3 Schedule 1, Infrastructure and Transport portfolio, after the Department of Infrastructure and Transport table

After Note 1, insert:

Note 2: *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* increased the administered items for Outcome 3 and Outcome 4 for the Department of Infrastructure and Regional Development (previously known as the Department of Infrastructure and Transport) by the amount specified in Table 19 at the end of Schedule 1 to this Act.

4 Schedule 1, Regional Australia, Local Government, Arts and Sports portfolio, after the Department of Regional Australia, Local Government, Arts and Sports table

After Note 1, insert:

Note 2: *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* decreased the administered items for Outcome 1, Outcome 2 and Outcome 3 for the former Department of Regional Australia, Local Government, Arts and Sports by the amount specified in Table 19 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 6 for FMA Act Determination 2013/12 — Section 32 (Transfer of Functions from AusAID to DFAT)

Insert:

4 FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)

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 7:**

Amendments to appropriations are as specified in Table 7.

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 7: Amendment of appropriations

|  | Column 1 | Column 2 | Column 3 |
| --- | --- | --- | --- |
| Item | Appropriation item | Agency | Amount $’000  |
| 1 | State, ACT, NT and local government item, Outcome 3 | Department of Infrastructure and Regional Development | +23,412 |
| 2 | State, ACT, NT and local government item, Outcome 1 | Department of Regional Australia, Local Government, Arts and Sport | -23,412 |
| 3 | Administered assets and liabilities item | Department of Infrastructure and Regional Development | +3,480 |
| 4 | Administered assets and liabilities item | Department of Regional Australia, Local Government, Arts and Sport | -3,480 |

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 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* 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 on 18 September 2013, functions from the former Department of Regional Australia, Local Government, Arts and Sport were transferred: in relation to arts, to the Attorney-General's Department; and, in relation to regional development and local government, to the Department of Infrastructure and Regional Development.

An initial transfer of appropriations relating to the transfer of functions for the Administrative Arrangements Orderoccurred on 20 September 2013under FMA Act Determination 2013/07 *—* Section 32 (Transfer of Functions *from DRALGAS to AGD, Health and DIRD*). This Determination relates to the second transfer of appropriations.

2 Schedule 2, Infrastructure and Transport portfolio, after the Department of Infrastructure and Transport table

After Note 1, insert:

Note 2: *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* increased the State, ACT, NT and local government item for Outcome 3 and the administered assets and liabilities item for the Department of Infrastructure and Regional Development (previously known as the Department of Infrastructure and Transport) by the amount specified in Table 7 at the end of Schedule 2 to this Act.

3 Schedule 2, Regional Australia, Local Government, Arts and Sports portfolio, after the Department of Regional Australia, Local Government, Arts and Sports table

After Note 1, insert:

Note 2: *FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)* decreased the State, ACT, NT and local government item for Outcome 1 and the administered assets and liabilities item for the former Department of Regional Australia, Local Government, Arts and Sports by the amount specified in Table 7 at the end of Schedule 2 to this Act.