

FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)

*Financial Management and Accountability Act 1997*

I, PETER GIBSON, Acting 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. Functions relating to indigenous affairs were transferred from the former Department of Education, Employment and Workplace Relations to the Department of the Prime Minister and Cabinet.

Dated: 29 November 2013

PETER GIBSON

Acting First Assistant Secretary

Financial Reporting and Cash Management Division

Department of Finance

1 Name of Determination

This Determination is the *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)*

2 Commencement

This Determination commences on 1 December 2013.

3 Purpose

The purpose of this Determination is to adjust amounts appropriated, as an interim measure, to support functions moving to the Department of the Prime Minister and Cabinet 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.

Note 3: This Determination is the third transfer of appropriations in relation to the transfer of indigenous functions. An initial transfer of appropriations commenced on 1 November 2013, under FMA Act Determination 2013/13 — Section 32 (Transfer of Functions from Social Services to PM&C) and a second transfer of appropriations commences on 1 December 2013, under *FMA Act Determination 2013/15— Section 32 (Transfer of Functions from DRALGAS to Health and PM&C)*.

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 1 to the *Appropriation Act (No. 2) 2013-2014* is amended as set out in Schedule 2 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 24 for FMA Act Determination 2013/18 — Section 32 (Transfer of Functions from Industry to Education)

Insert:

14 FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)

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 25:**

Amendments to appropriations are as specified in Table 25.

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 25: Amendment of appropriations

|  | Column 1 | Column 2 | Column 3 |
| --- | --- | --- | --- |
| Item | Appropriation item | Agency | Amount  $’000 |
| 1 | Administered item, Outcome 2 | Department of the Prime Minister and Cabinet | +237,487 |
| 2 | Administered item, Outcome 1 | Department of Education, Employment and Workplace Relations | -1,490 |
| 3 | Administered item, Outcome 2 | Department of Education, Employment and Workplace Relations | -52,583 |
| 4 | Administered item, Outcome 3 | Department of Education, Employment and Workplace Relations | -183,414 |
| 5 | Departmental item | Department of the Prime Minister and Cabinet | +16,686 |
| 6 | Departmental item | Department of Education, Employment and Workplace Relations | -16,686 |

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 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* 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 relating to indigenous affairs were transferred to the Department of the Prime Minister and Cabinet from the Department of Education, Employment and Workplace Relations.

This Determination is the third transfer of appropriations in relation to the transfer of indigenous functions. An initial transfer of appropriations commenced on 1 November 2013, under *FMA Act Determination 2013/13 — Section 32 (Transfer of Functions from Social Services to PM&C)* and a second transfer of appropriations commences on 1 December 2013, under *FMA Act Determination 2013/15— Section 32 (Transfer of Functions from DRALGAS to Health and PM&C)*.

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

After Note 1, insert:

Note 2: *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* decreased the administered item for Outcome 1, the administered item for Outcome 2 and the administered item for Outcome 3 for the Department of Education, Employment and Workplace Relations by the amount specified in Table 25 at the end of Schedule 1 to this Act.

Additionally, in relation to the indigenous affairs function, the determination decreased the departmental item for the Department of Education, Employment and Workplace Relations by the amount specified in Table 25 at the end of Schedule 1 to this Act.

3 Schedule 1, Prime Minister and Cabinet portfolio, after the Department of the Prime Minister and Cabinet table

After Note 3, insert:

Note 4: *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* increased the administered item for Outcome 2 for the Department of the Prime Minister and Cabinet by the amount specified in Table 25 at the end of Schedule 1 to this Act.

Additionally, in relation to the indigenous affairs function, the determination increased the departmental item for the Department of the Prime Minister and Cabinet by the amount specified in Table 25 at the end of Schedule 1 to this Act.

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

1 Schedule 1—Payments to or for the States, ACT, NT and local government, after the “Department of Infrastructure and Transport” row, and before the “Department of Regional Australia, Local Government, Arts and Sport” row

Insert on a new row

|  |  |  |  |
| --- | --- | --- | --- |
| Department of the Prime Minister and Cabinet | Closing the gap in Indigenous disadvantage with improved wellbeing, capacity to participate economically and socially and to manage life-transitions for Indigenous Australians through Indigenous engagement, coordinated whole of government policy advice and targeted support services | Prime Minister | Prime Minister |

2 At the end of Schedule 2, after the note to Table 7 for FMA Act Determination 2013/14 — Section 32 (Transfer of Functions from DRALGAS to AGD and Infrastructure)

Insert:

5 FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)

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

**New appropriation item in Table 8:**

A new Outcome 2 for the Department of the Prime Minister and Cabinet (PM&C) was created in *FMA Act Determination 2013/13 — Section 32 (Transfer of Functions from Social Services to PM&C)*. A new item is created for PM&C, which is set out at Table 8.

Where a new outcome inserted by a Table substantially corresponds to the text of an existing outcome for an Agency, the new outcome is to be read as including activities indicated in the relevant Portfolio Budget Statements in respect of the existing outcome. The text for Outcome 2 for PM&C is the same as the text for Outcome 7 of the former Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Accordingly, the amount appropriated to Outcome 2 for PM&C may be applied for the purpose of undertaking the activities indicated in the Portfolio Budget Statements of2013‑2014 for Outcome 7 of the former Department of FaHCSIA. The amount appropriated to Outcome 2 for PM&C may also be applied for the purpose of undertaking the activities in relation to indigenous affairs indicated in the PBSs for 2013-2014 of:

* the Attorney-General’s Department, in respect of that agency’s Outcome 1;
* the former Department of Education, Employment and Workplace Relations, in respect of that agency’s Outcome 2;
* the former Department of Resources, Energy and Tourism, in respect of that agency’s Outcome 1; and
* the former Department of Sustainability, Environment, Water, Population and Communities, in respect of that agency’s Outcome 5.

**Amendment of appropriations in Table 9:**

Amendments to appropriations are as specified in Table 9.

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 8: New Appropriation Item

|  |  |  |  |
| --- | --- | --- | --- |
|  | Payments to States, ACT, NT and local government | New Administered Outcomes | Total |
| **Outcome 2 -**  Closing the gap in Indigenous disadvantage with improved wellbeing, capacity to participate economically and socially and to manage life-transitions for Indigenous Australians through Indigenous engagement, coordinated whole of government policy advice and targeted support services | $‘000 | $’000 | $’000 |
|  |  |  |
| 0 | 0 | 0 |
|  |  |  |

Table 9: 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 the Prime Minister and Cabinet | +3,207 |
| 2 | State, ACT, NT and local government item, Outcome 2 | Department of Education, Employment and Workplace Relations | -3,207 |

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 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* 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 relating to indigenous affairs were transferred to the Department of the Prime Minister and Cabinet from the Department of Education, Employment and Workplace Relations.

This Determination is the third transfer of appropriations in relation to the transfer of indigenous functions. An initial transfer of appropriations commenced on 1 November 2013, under *FMA Act Determination 2013/13 — Section 32 (Transfer of Functions from Social Services to PM&C)* and a second transfer of appropriations commences on 1 December 2013, under *FMA Act Determination 2013/15— Section 32 (Transfer of Functions from DRALGAS to Health and PM&C)*.

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

After Note 1, insert:

Note 2: *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* decreased the State, ACT, NT and local government for Outcome 2 for the Department of Education, Employment and Workplace Relations by the amount specified in Table 9 at the end of Schedule 2 to this Act.

4 Schedule 2, Prime Minister and Cabinet portfolio, after the Department of the Prime Minister and Cabinet table

Insert:

Note 1: *FMA Act Determination 2013/19 — Section 32 (Transfer of Functions from DEEWR to PM&C)* increased the State, ACT, NT and local government for Outcome 2 for the Department of the Prime Minister and Cabinet by the amount specified in Table 9 at the end of Schedule 2 to this Act.