



## **FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)**

*Financial Management and Accountability Act 1997*

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I, MARC MOWBRAY-D'ARBELA, 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 in relation to international education and higher education were transferred from the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (now the Department of Industry) to the Department of Education.

This Determination is also made in response to the Administrative Arrangements Order made on 3 October 2013. Functions in relation to research were transferred from the Department of Industry to the Department of Education.

Dated 31 January 2014

MARC MOWBRAY-D'ARBELA  
Acting First Assistant Secretary  
Financial Reporting and Cash Management Division  
Department of Finance

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## 1 Name of Determination

This Determination is the *FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)*.

## 2 Commencement

This Determination commences two business days after it is signed.

## 3 Purpose

The purpose of this Determination is to further adjust amounts appropriated to support:

- functions from the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education transferred to the Department of Education, consistent with the Administrative Arrangements Order made on 18 September 2013; and
- functions from the Department of Industry transferred to the Department of Education, consistent with the Administrative Arrangements Order made on 3 October 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 renamed the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education as the Department of Industry, and established the Department of Education.

*Note 3:* This Determination is the second transfer of appropriations in relation to the transfer of international education and research functions. An initial transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/18 — Section 32 (Transfer of Functions from Industry to Education)*.

## 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 30 for FMA Act Determination 2014/01 — Section 32 (Transfer of Functions from Industry to Environment and Foreign Affairs)

Insert:

### 18 FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)

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 31:

Amendments to appropriations are as specified in Table 31.

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 31: Amendment of appropriations**

	Column 1	Column 2	Column 3
Item	Appropriation item	Agency	Amount \$'000
1	Administered item, Outcome 3	Department of Education	+39,544
2	Administered item, Outcome 2	Department of Industry	-39,544
3	Administered item, Outcome 4	Department of Education	+25,666
4	Administered item, Outcome 3	Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	-25,666
5	Departmental item	Department of Education	+47,764
6	Departmental item	Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	-47,764

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 2014/02 — Section 32 (Transfer of Functions from Industry to Education)* 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 in relation to international education and higher education were transferred from the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (now the Department of Industry) to the Department of Education.

Due to a change to the Administrative Arrangements Order on 3 October 2013, functions in relation to research were transferred from the Department of Industry to the Department of Education.

This Determination is the second transfer of appropriations in relation to the transfer of international education and research functions. An initial transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/18 — Section 32 (Transfer of Functions from Industry to Education)*.

**2 Schedule 1, Industry, Innovation, Climate Change, Science, Research and Tertiary Education portfolio, after the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education table**

After Note 5, insert:

Note 6: *FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)* decreased the administered items for Outcome 2 and Outcome 3 and also the departmental item for the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (now the Department of Industry) by the amounts specified respectively in Table 31 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 10 for FMA Act Determination 2013/20 — Section 32 (Transfer of Functions from DEEWR to Education and Employment)

Insert:

#### 7 FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)

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 11:

An other departmental item (Equity Injections) is created for the Department of Education, which is set out at Table 11.

##### Amendment of appropriations in Table 12:

Amendments to appropriations are as specified in Table 12.

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 11: New appropriation item for the Department of Education**

	\$'000	\$'000	Total \$'000
<b>DEPARTMENT OF EDUCATION</b>			
<b>Non-operating</b>			
Equity Injections	0	0	0

**Table 12: Amendment of appropriations**

	Column 1	Column 2	Column 3
Item	Appropriation item	Agency	Amount \$'000
1	Other departmental item (Equity Injections)	Department of Education	+1,475
2	Other departmental item (Equity Injections)	Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	-1,475

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 2014/02 — Section 32 (Transfer of Functions from Industry to Education)* 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 in relation to international education and higher education were transferred from the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (now the Department of Industry) to the Department of Education.

This Determination is the second transfer of appropriations in relation to the transfer of international education functions. An initial transfer of appropriations commenced on 1 December 2013, under *FMA Act Determination 2013/18 — Section 32 (Transfer of Functions from Industry to Education)*.

**2 Schedule 2, Industry, Innovation, Climate Change, Science, Research and Tertiary Education portfolio, after the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education table**

Insert:

Note 1: *FMA Act Determination 2014/02 — Section 32 (Transfer of Functions from Industry to Education)* decreased the other departmental item (Equity Injections) for the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (now the Department of Industry) by the amount specified in Table 12 at the end of Schedule 2 to this Act.