

## EXPLANATORY STATEMENT

<p><b>The instrument to which this explanatory statement relates</b></p>	<p><i>Financial Management and Accountability Act 1997 Determination 2012/02 – Section 32 (Transfer of Functions from DIAC to AHRC)</i></p>
<p><b>Date instrument was made</b></p>	<p>23 February 2012</p>
<p><b>The legislative authority under which the instrument is made</b></p>	<p>Subsection 32(2) of the <i>Financial Management and Accountability Act 1997</i> (FMA Act) enables the Minister for Finance and Deregulation (Finance Minister) to determine that one or more Schedules to one or more Appropriation Acts are amended in relation to the transfer of a function from one agency to another.</p> <p>Under section 62 of the FMA Act the Finance Minister has delegated this power to the Secretary of the Department of Finance and Deregulation (Finance). Under section 53 of the FMA Act, the Secretary of Finance has delegated this power to certain officials within Finance.</p>
<p><b>Purpose and effect of the instrument</b></p>	<p>Schedule 1 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to:</p> <ul style="list-style-type: none"> <li>- transfer an amount of \$270,497.88 of the departmental item for the Department of Immigration and Citizenship (DIAC) to the departmental item for Australian Human Rights Commission (AHRC); and</li> <li>- transfer an amount of \$140,000.00 of the administered item outcome 6 for DIAC to the administered item outcome 1 for the AHRC.</li> </ul> <p>The effect of this schedule is to transfer appropriations relating to the National Anti-Racism Partnership and Strategy functions from the DIAC to the AHRC.</p>
<p><b>Background</b></p>	<p>Responsibility for the National Anti-Racism Partnership and Strategy was transferred from DIAC to AHRC due to approval given from the Prime Minister to a request made by the Attorney General and the Parliamentary Secretary for Immigration and Multicultural Affairs. The transfer request was approved on 4 August 2011.</p>
<p><b>Notes on the Instrument</b></p>	<p>In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i>, DIAC and AHRC were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i>.</p>
<p><b>Human Rights Impact Statement</b></p>	<p>This Instrument is exempt from disallowance under subsection 32(7) of the <i>Financial Management and Accountability Act 1997</i>. As such, a statement of compatibility prepared under subsection 9(1) of the Human Rights (Parliamentary Scrutiny) Act 2011 is not required in this Explanatory Statement.</p>