

EXPLANATORY STATEMENT

Financial Management and Accountability Act 1997

FMA Act Determination 2013/21 — Section 32 (Transfer of Functions from Social Services to AACQA) (the Determination)

Purpose of the Determination

The Determination is made under section 32 of the *Financial Management and Accountability Act 1997* (FMA Act), to adjust amounts appropriated to particular agencies to support the establishment of the Australian Aged Care Quality Agency under the *Australian Aged Care Quality Agency Act 2013*. That Act establishes the Australian Aged Care Quality Agency from 1 January 2014, for which appropriations are transferred from the Department of Social Services.

Transfer of Functions generally

Section 32 of the FMA Act enables the Finance Minister to determine that one or more Schedules to one or more Appropriation Acts are amended in a specified way in relation to the transfer of a function from one Agency to another.

Under section 62 of the FMA Act, the Finance Minister has delegated the power to make determinations under section 32 to the Secretary of the Department of Finance. Under section 53 of the FMA Act, the Secretary has, in turn, sub-delegated this power to certain Senior Executive Service officials within the Department of Finance, including the official who made the Determination.

The Determination is a legislative instrument for the purposes of section 5 of the *Legislative Instruments Act 2003*.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is not required for the Determination. Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires a Statement of Compatibility with Human Rights for all legislative instruments subject to disallowance under section 42 of the *Legislative Instruments Act 2003*. A determination under section 32 of the FMA Act is exempt from disallowance under subsection 32(7) of the FMA Act. As such, a Statement of Compatibility with Human Rights is not required.

Consultation and Impact

Consistent with Part 3 of the *Legislative Instruments Act 2003*, the Department of Social Services were consulted in the preparation of the Determination.

Summary of Changes

The Determination affects Schedule 1 to the *Appropriation Act (No. 1) 2013-2014* in the following way, which results in no change to the total amount appropriated by Parliament:

Agency affected	Item affected	Appropriation Act	Transfer to \$ '000	Transfer from \$ '000
Australian Aged Care Quality Agency	Departmental item	<i>Appropriation Act (No. 1) 2013-2014</i>	+13,038	
Department of Social Services	Administered item, Outcome 8	<i>Appropriation Act (No. 1) 2013-2014</i>		-13,038
Total			+13,038	-13,038