

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2012-2013 (the determination)

Purpose of the determination

The determination is made under section 75 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), to adjust amounts appropriated to non-corporate Commonwealth entities, in response to the Administrative Arrangements Order made on 18 September 2013.

The determination further adjusts appropriations to support functions transferring from various entities to the Department of the Prime Minister and Cabinet: the Attorney-General's Department, the Department of Communications, the Department of Social Services and the Department of the Environment in relation to indigenous programmes and functions; and the Department of Social Services in relation to the Office of Women.

Authority for the determination

Section 75 of the PGPA 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 non-corporate Commonwealth entity to another.

Under section 107 of the PGPA Act, the Finance Minister has delegated the power to make determinations under section 75 to the Secretary of the Department of Finance. Under section 109 of the PGPA 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 75 of the PGPA Act is exempt from disallowance under subsection 75(7) of the PGPA Act. As such, a Statement of Compatibility with Human Rights is not required.

Consultation

Consistent with Part 3 of the *Legislative Instruments Act 2003*, the affected entities were consulted in the preparation of the determination.

Summary of Transfers

The determination affects relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2012-2013* in the following way, which results in no change to the total amount appropriated by Parliament:

Entity affected	Item affected	Transfer to (\$ '000)	Transfer from (\$ '000)
Department of the Prime Minister and Cabinet	Departmental item	+825	
Attorney-General's Department	Departmental item		-825
Department of the Prime Minister and Cabinet	Departmental item	+456	
Department of Communications	Departmental item		-456
Department of the Prime Minister and Cabinet	Departmental item	+28,553	
Department of Social Services	Departmental item		-28,553
Department of the Prime Minister and Cabinet	Departmental item	+1,265	
Department of the Environment	Departmental item		-1,265
	Total	+31,099	-31,099

The determination also affects relevant appropriation items in Schedule 2 to the *Appropriation Act (No. 2) 2012-2013* in the following way, which results in no change to the total amount appropriated by Parliament:

Entity affected	Item affected	Transfer to (\$ '000)	Transfer from (\$ '000)
Department of Social Services	Other departmental item (Equity Injection)	+15,743	
Department of Health	Other departmental item (Equity Injection)		-15,743
	Total	+15,743	-15,743