

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 1) (the amendment determination)

Purpose of the determination

The amendment determination is made under section 75 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) to amend *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2014-2015* (the primary determination), dated 30 January 2015, to adjust amounts appropriated to non-corporate Commonwealth entities, in response to the Administrative Arrangements Order made on 23 December 2014.

The amendment determination adjusts appropriations to support functions transferring from the former Department of Education to the Department of Social Services, in relation to early childhood and childcare; the former Department of Industry to the Department of Education and Training, in relation to vocational education and training; and the former Department of Industry to the Department of the Treasury, in relation to small business programmes.

Commencement

The amendment determination commences on the day after it is registered.

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 officials within the Department of Finance, including the official who made the determination.

The amendment determination is a legislative instrument for the purposes of section 5 of the *Legislative Instruments Act 2003*. The amendment determination amends *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2014-2015*, which 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 amendment 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, including an amendment 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 agencies were consulted in the preparation of the amendment determination.

Summary of Amendments

The table of amendments of appropriation items at subsection 5(4) in the primary determination provides an aggregation of appropriation items for each affected agency, rather than the individual items. The amendment determination amends items to the table in section 5 of the primary determination by the amounts in the table below, which sets out the individual appropriation transfers.

The amendment determination affects relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2014-2015* in the following way, which results in no change to the total amount appropriated by Parliament. A positive amount reflects an increase in an appropriation item, and a negative amount reflects a decrease in an appropriation item.

Agency affected	Item affected	Transfer to (\$ '000)	Transfer from (\$ '000)
Department of Social Services	Administered item, Outcome 2	+72,686	
Department of Education and Training	Administered item, Outcome 1		-72,686
Department of Education and Training	Administered item, Outcome 3	+140,366	
Department of Industry and Science	Administered item, Outcome 1		-140,366
Department of Social Services	Departmental item	+10,938	
Department of Education and Training	Departmental item		-10,938
Department of Education and Training	Departmental item	+11,512	
Department of Industry and Science	Departmental item		-11,512
Department of the Treasury	Departmental item	+374	
Department of Industry and Science	Departmental item		-374
		+235,876	-235,876