

## **EXPLANATORY STATEMENT**

### *Public Governance, Performance and Accountability Act 2013*

#### *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2012-2013 (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 2012-2013*, dated 24 September 2014 (primary determination), to adjust amounts appropriated to non-corporate Commonwealth entities, in response to the Administrative Arrangements Order made on 23 December 2014 and on 18 September 2013.

The amendment determination adjusts appropriations to support functions transferring from the former Department of Industry to the Department of Education and Training, in relation to vocational education and training, and in relation to international education support.

#### **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 2012-2013*, 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

1. The amendment determination adds items to the table in section 5 of the primary determination. The new items affect 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. A positive amount reflects an increase in an appropriation item, and a negative amount reflects a decrease in an appropriation item.

Entity affected	Item affected	Transfer to (\$ '000)	Transfer from (\$ '000)
Department of Education and Training	Administered item, Outcome 3	+6,043	
Department of Industry and Science	Administered item, Outcome 3		-6,043
<b>Total</b>		<b>+6,043</b>	<b>-6,043</b>

2. In accordance with the AAO made on 23 December 2014, the amendment determination inserts into the primary determination an amendment that states that references to Departments in each of the 2012-13 Appropriation Acts have effect as if:

- (a) the Department of Education, Employment and Workplace Relations is referred to as the Department of Education and Training; and
- (b) the Department of Industry, Innovation, Research and Tertiary Education is referred to as the Department of Industry and Science.

3. The amendment determination adds a table as section 8 of the primary determination. The items in the table affect relevant appropriation items in Schedule 2 to the *Appropriation Act (No. 4) 2012-2013* 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.

Entity affected	Item affected	Transfer to (\$ '000)	Transfer from (\$ '000)
Department of Education and Training	Other departmental item (Equity Injections)	+2,855	
Department of Industry and Science	Other departmental item (Equity Injections)		-2,855
<b>Total</b>		<b>+2,855</b>	<b>-2,855</b>