

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 6) (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 further amend *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2014-2015* (the primary determination), dated 30 January 2015, and amended by:

- *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 1)*, dated 27 March 2015;
- *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 2)*, dated 30 October 2015;
- *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 3)*, dated 5 November 2015;
- *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 4)*, dated 11 November 2015; and
- *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014-2015 (No. 5)*, dated 13 November 2015,

to adjust amounts appropriated to non-corporate Commonwealth entities, in response to the Administrative Arrangements Order (AAO) made on 18 February 2016.

The amendment determination modifies *Appropriation Act (No. 1) 2014-2015* to support functions transferring from the Department of the Environment to the Department of the Prime Minister and Cabinet, in relation to population policy.

The determination results in no change to the total amount appropriated by Parliament.

Commencement

The amendment determination commences on 1 April 2016.

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 modified 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 amends *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2014-2015*, which is a legislative instrument for the purposes of section 8 of the *Legislation 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 *Legislation 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 Chapter 3, Part 1 of the *Legislation Act 2003*, the affected entities were consulted in the preparation of the amendment determination.

Summary of Modifications

1. Items 1 and 2 of the amendment determination modify and add specified items to the table in subsection 5(4) of the primary determination.
2. The items in the amendment determination provide aggregate amounts of appropriation items transferred for each affected entity, rather than the individual transfer amounts. While the items in the amendment determination are stated in the \$thousands (\$'000), the table below sets out the individual transfer amounts and the resulting aggregate amounts in dollars and cents for each appropriation item listed. A positive amount reflects an increase in an appropriation item, and a negative amount reflects a decrease in an appropriation item.
3. The items in the table affect relevant appropriation items in Schedule 1 to *Appropriation Act (No. 1) 2014-2015* in the following way, which results in no change to the total amount appropriated by Parliament.

Item	Entity	Appropriation item	Primary Determination (\$)	Transfer Increase (+) / decrease (-) (\$)	Amendment Determination (\$)
14	Department of the Environment	Departmental item	-4,614,000.00	-100,000.00	-4,714,000.00
30	Department of the Prime Minister and Cabinet	Departmental item	0.00	+100,000.00	+100,000.00