

## **EXPLANATORY STATEMENT**

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

#### *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2017-2018 (No. 8) (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 adjust amounts appropriated to non-corporate Commonwealth entities, in response to the establishment of the NDIS Quality and Safeguards Commission (NDISQSC). NDISQSC commenced on 1 July 2018 by the *National Disability Insurance Scheme Act 2013* as amended by the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017*.

The amendment determination modifies the Appropriation Acts to support functions transferred to NDISQSC from the Department of Social Services in relation to the implementation of the NDIS Quality and Safeguarding Framework.

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

#### **Commencement**

The amendment determination commences on 30 June 2019.

#### **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 the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017-2018* (the Determination), 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

- Item 1 of the amendment determination adds paragraphs 6(2)(g) and 6(2)(h) to subsection 6(2) of the Determination.
- Paragraph 6(2)(g) has effect as if a departmental item for the NDISQSC were included in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* within the Social Services Portfolio. Due to a transfer of functions from the Department of Social Services to the NDISQSC, this amendment determination has effect as if the NDISQSC were included in the *Appropriation Act (No. 1) 2017-2018*.
- Paragraph 6(2)(h) has effect as if the following Outcome was included in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* for the NDISQSC:

### Outcome 1

Promote the delivery of quality supports and services to people with disability under the NDIS and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education

- Item 2 of the amendment determination repeals and substitutes item 5 in the table in subsection 6(3) of the Determination. The item affects the relevant appropriation item in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* in the following way:

Item	Entity	Appropriation item	Amount previously transferred by the Determination (\$)	Amount transferred by the amendment determination (\$)	Amended amount transferred by the Determination (\$)
5	Department of Social Services	Departmental item	+6,042,000.00	-2,510,461.80	+3,531,538.20

- Item 3 of the amendment determination adds item 28 to the table in subsection 6(3) of the Determination. The item affects the relevant appropriation item in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* in the following way:

Item	Entity	Appropriation item	Amount previously transferred by the Determination (\$)	Amount transferred by the amendment determination (\$)	Amended amount transferred by the Determination (\$)
28	NDIS Quality and Safeguards Commission	Departmental item	+0.00	+2,510,461.80	+2,510,461.80

Note: A positive amount reflects an increase in an appropriation item and a negative amount reflects a decrease in an appropriation item.