**EXPLANATORY STATEMENT**

*Public Governance, Performance and Accountability Act 2013*

*Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2018‑2019 (No. 9)* (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 Administrative Arrangements Order made on 29 May 2019.

The amendment determination modifies the 2018‑19 Appropriation Acts to support the transfer of responsibility for the adult migrant education function from the Department of Education to the Department of Home Affairs.

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

### 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 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 2018‑2019* (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 thePGPA 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 paragraph 6(3)(b) to subsection 6(3) of the Determination.

### Paragraph 6(3)(b) has effect as if Outcome 2 for the Department of Home Affairs in Schedule 1 to the *Appropriation Act (No. 1) 2018‑2019* was modified. This reflects the transfer of the adult migrant education function from the Department of Education and the transfer of the settlement services for refugees and humanitarian migrants from the Department of Social Services.

### Item 2 of the amendment determination repeals and substitutes items 3 and 10 in the table in subsection 6(4) of the Determination. The items affect relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2018‑2019* 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 ($)** |
| 3 | Department of Home Affairs | Departmental item | +3,478,579.00 | +674,498.60 | **+4,153,077.60** |
| 10 | Department of Education | Departmental item | -14,786,159.03 | -674,498.60 | **-15,460,657.63** |

### Item 3 of the amendment determination adds items 12 and 13 to the table in subsection 6(4) of the Determination. The items affect relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2018‑2019* 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 ($)** |
| 12 | Department of Education | Administered item, Outcome 2 | 0.00 | -32,720,248.24 | **-32,720,248.24** |
| 13 | Department of Home Affairs | Administered item, Outcome 2 | 0.00 | +32,720,248.24 | **+32,720,248.24** |

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