

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2019-2020 (No. 2) (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 Government's decision to transfer responsibility for certain community sport and recreation infrastructure initiatives from the Department of Infrastructure, Transport, Cities and Regional Development to the Department of Health.

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

Commencement

The amendment determination commences on the day after registration.

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 2019-20* (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

1. Item 1 of the amendment determination modifies the definition of the Appropriation Act, in section 4 of the Determination, to include the two most recent 2019-2020 Appropriation Acts.
2. Item 2 of the amendment determination adds section 8, which applies to appropriation items in Schedule 1 to the Appropriation Act (No. 1) 2019-2020.
3. The table at subsection 8(2) affects relevant appropriation items in Schedule 1 to the Appropriation Act (No. 1) 2019 2020 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 (\$)
1	Department of Infrastructure, Transport, Cities and Regional Development	Administered item, Outcome 3	0.00	-53,108,000.00	-53,108,000.00
2	Department of Health	Administered item, Outcome 3	0.00	+53,108,000.00	+53,108,000.00

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