

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2018-2019 (No. 11) (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 Machinery of Government changes.

On 29 May 2019, the Governor-General made a new Administrative Arrangements Order (AAO) to replace the AAO made on 4 April 2019. The amendment determination modifies the Appropriation Acts to reflect the transfer of responsibility for industrial relations from the Employment, Skills, Small and Family Business portfolio to the Attorney-General's portfolio as a result of the 29 May 2019 AAO.

On 5 December 2019, the Governor-General made a new AAO to replace the AAO made on 29 May 2019. The new AAO commenced on 1 February 2020. The amendment determination modifies the Appropriation Acts to reflect the transfer of responsibility for agriculture from the abolished Agriculture portfolio to the renamed Agriculture, Water and the Environment portfolio as a result of the 5 December 2019 AAO.

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 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 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 paragraph 5(1)(m) to subsection 5(1) of the Determination.
- Paragraph 5(1)(m) modifies the Appropriation Acts such that references to the Australian Grape and Wine Authority were references to Wine Australia.
- Item 2 of the amendment determination adds sub-paragraph 5(2)(h)(v) to paragraph 5(2)(h) of the Determinations.
- Sub-paragraph 5(2)(h)(v) modifies the Appropriation Acts such that items and outcomes for Wine Australia, included for the Agriculture portfolio, were instead included in the Agriculture, Water and the Environment portfolio.
- Item 3 of the amendment determination repeals and substitutes items 1 and 11 in the table in subsection 6(4) of the Determination. The items affect the relevant appropriation items in Schedule 1 to *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 (\$)
1	Attorney-General's Department	Departmental item	-2,204,579.00	+13,064,375.00	+10,859,796.00
11	Department of Employment, Skills, Small and Family Business	Departmental item	13,507,793.20	-13,064,375.00	+443,418.20

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

- Item 4 of the amendment determination adds items 39 and 40 to the table in subsection 6(4) of the Determination. The items affect the relevant appropriation items in Schedule 1 to *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 (\$)
39	Department of Agriculture	Corporate entity item, Wine Australia	0.00	-1,775,000.00	-1,775,000.00
40	Department of Agriculture, Water and the Environment	Corporate entity item, Wine Australia	0.00	+1,775,000.00	+1,775,000.00

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