

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

*Public Governance, Performance and Accountability (Section 75 Transfers) Determination
2020-2021 (the determination)*

Purpose of the determination

The 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 commencement on 1 July 2020 of Sport Integrity Australia (SIA) on commencement of the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020*.

The determination modifies the Appropriation Acts to support functions transferred to SIA from:

- the Australian Sports Anti-Doping Authority (ASADA) in relation to all functions formerly undertaken by ASADA which will be abolished on 1 July 2020 following the commencement of SIA; and
- the Department of Health (Health) in relation to sport integrity functions.

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

Commencement

The determination commences on 1 July 2020.

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 this determination.

The determination 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 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 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 determination.

Summary of Modifications

1. Paragraphs 5(2)(a) and (b) have effect as if a departmental item and an administered item for SIA were included in Schedule 1 to the *Supply Act (No. 1) 2020-2021* within the Health Portfolio. Due to a transfer of functions from ASADA and Health to the newly established SIA, this determination has effect as if SIA were included in the *Supply Act (No. 1) 2020-2021*.
2. Subparagraph 5(2)(b)(ii) has effect as if the following Outcome were included in Schedule 1 to the *Supply Act (No. 1) 2020-2021* for SIA:

Outcome 1

Protection of the integrity of Australian sport and the health and welfare of those who participate in sport through the coordination of a national approach to all sports integrity matters

3. Relevant appropriation items in Schedule 1 to the *Supply Act (No. 1) 2020-2021* have effect as if they were increased or decreased by subsection 5(3) in the determination.
4. Subsection 5(3) in the determination also provides that when there is an increase for an appropriation item for a gaining entity, where the appropriation item only has effect because of this determination, the increase is applied to a nil amount.
5. The table at subsection 5(3) of the determination affects relevant appropriation items in Schedule 1 to the *Supply Act (No. 1) 2020-2021* in the following way:

Item	Entity	Appropriation item	Amount transferred by the Determination (\$)
1	Department of Health	Departmental item	-3,330,000.00
2	Australian Sports Anti-Doping Authority	Departmental item	-6,961,000.00
3	Sport Integrity Australia	Departmental item	+10,291,000.00
4	Department of Health	Administered item, Outcome 3	-4,387,000.00
5	Sport Integrity Australia	Administered item, Outcome 1	+4,387,000.00

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