

## **EXPLANATORY STATEMENT**

*Public Governance, Performance and Accountability Act 2013*

*Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2020-2021 (No. 4) (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 commencement on 5 May 2021, of the *Public Governance, Performance and Accountability Amendment (National Recovery and Resilience Agency) Rules 2021 (Amendment Rules)*.

The Amendment Rules amend Schedule 1 to the *Public Governance, Performance and Accountability Rule 2014*, for the purposes of the PGPA Act, to:

- rename the National Drought and North Queensland Flood Response and Recovery Agency (NDNQFRRA) to the National Recovery and Resilience Agency (NRRRA); and
- amend and expand the purposes of the listed entity in relation to disaster relief and recovery co-ordination; disaster relief, recovery, risk reduction and preparedness policy and funding; rural financial counselling; and drought recovery and resilience.

Also commencing on 5 May 2021, the Governor-General made an Executive Order that renamed the NDNQFRRA to the NRRRA for the purposes of the *Public Service Act 1999*, identified the Minister responsible and specified the functions for the renamed NRRRA.

The amendment determination modifies the Appropriation Acts to reflect the transfer of responsibility of the National Bushfire Response Agency functions from the Department of the Prime Minister and Cabinet to the NRRRA.

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 this determination.

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

## Summary of Modifications

- Item 1 of the amendment determination inserts section 4A to set out modifications that affect the Appropriation Acts. Paragraph 4A(1)(a) modifies the Appropriation Acts such that references to the National Drought and North Queensland Flood Response and Recovery Agency have effect as if they were references to the National Recovery and Resilience Agency.
- Item 2 of the amendment determination adds items 8 and 9 to the table in subsection 7(2) of the Determination. The items affect the relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2020-2021* in the following way:

<b>Item</b>	<b>Entity</b>	<b>Appropriation item</b>	<b>Amount previously transferred by the Determination (\$)</b>	<b>Amount transferred by the amendment determination (\$)</b>	<b>Amended amount transferred by the Determination (\$)</b>
8	Department of the Prime Minister and Cabinet	Departmental item	0.00	-6,271,000.00	<b>-6,271,000.00</b>
9	National Recovery and Resilience Agency	Departmental item	0.00	+6,271,000.00	<b>+6,271,000.00</b>

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