

## **EXPLANATORY STATEMENT**

*Public Governance, Performance and Accountability Act 2013*

*Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2019-2020 (No. 12) (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 recent Machinery of Government changes.

On 15 April 2021, the Governor-General made amendments to the Administrative Arrangements Order made on 18 March 2021 including the transfer of responsibility for small business functions from the Industry, Science, Energy and Resources portfolio to the Treasury portfolio.

The amendment determination modifies the Appropriation Acts to reflect these transfers. 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 amendment determination.

The amendment determination amends the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2019-2020* (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 repeals and substitutes one item in the table in subsection 8(4) of the Determination. The item affects the relevant appropriation item 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 (\$)
23	Department of Industry, Science, Energy and Resources	Departmental item	+84,535,110.84	-2,939,133.70	<b>+81,595,977.14</b>

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

2. Item 2 of the amendment determination adds item 58 to the table in subsection 8(4) of the Determination. The item affects the relevant appropriation item 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 (\$)
58	Department of the Treasury	Departmental item	0.00	+2,939,133.70	<b>+2,939,133.70</b>

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