

Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2021‑2022

made under section 75 of the

Public Governance, Performance and Accountability Act 2013

**Compilation No. 6**

**Compilation date:** 1 September 2022

**Includes amendments up to:** Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 6)

**About this compilation**

**This compilation**

This is a compilation of the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2021-2022* that shows the text of the law as amended and in force on 1 September 2022 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2021-2022.*

3 Authority

This instrument is made under section 75 of the *Public Governance, Performance and Accountability Act 2013*.

4 Definitions

In this instrument:

***Appropriation Act*** means:

1. the *Appropriation Act (No. 1) 2021‑2022*; or
2. the *Appropriation Act (No. 2) 2021‑2022*; or
3. the *Appropriation (Coronavirus Response) Act (No. 1) 2021‑2022*; or
4. the *Appropriation (Coronavirus Response) Act (No. 2) 2021‑2022*.

***appropriation item*** means an item within the meaning of an Appropriation Act.

***entity*** means a non-corporate entity within the meaning of an Appropriation Act.

5 Modification of *Appropriation Act (No. 1) 2021‑2022*

(1) This section applies to the *Appropriation Act (No. 1) 2021‑2022*.

(1A) The Act has effect as if items and outcomes for the Northern Australia Infrastructure Facility included for the Industry, Science, Energy and Resources Portfolio, were instead included for the Infrastructure, Transport, Regional Development and Communications Portfolio.

(2) The Act has effect:

* 1. as if appropriation items in Schedule 1 to the Act were increased or decreased in accordance with the following table; and
  2. if the table specifies an increase for an appropriation item which is an appropriation item that has effect because of this determination – as if the increase were from a nil amount.

| Increases and decreases in appropriation items | | | |
| --- | --- | --- | --- |
| Item | Entity | Appropriation item | Increase (+)/ decrease (‑) ($) |
| 1 | Digital Transformation Agency | Departmental item | -7,565,260.74 |
| 2 | Australian Taxation Office | Departmental item | +960,000.00 |
| 3 | Geoscience Australia | Departmental item | +24,000.00 |
| 4 | Services Australia | Departmental item | +960,000.00 |
| 5 | Australian Bureau of Statistics | Departmental item | +100,000.00 |
| 6 | Department of Finance | Departmental item | +577,260.74 |
| 7 | Australian Public Service Commission | Departmental item | +3,944,000.00 |
| 8 | Department of Health | Departmental item | +913,000.00 |
| 9 | Department of Industry, Science, Energy and Resources | Administered item, Outcome 1 | -30,777,000.00 |
| 10 | Department of Infrastructure, Transport, Regional Development and Communications | Administered item, Outcome 3 | +30,777,000.00 |
| 11 | Department of Industry, Science, Energy and Resources | Departmental item | -8,856,000.00 |
| 12 | Department of Infrastructure, Transport, Regional Development and Communications | Departmental item | +8,856,000.00 |
| 13 | Department of Industry, Science, Energy and Resources | Corporate entity item, Northern Australia Infrastructure Facility | -14,227,000.00 |
| 14 | Department of Infrastructure, Transport, Regional Development and Communications | Corporate entity item, Northern Australia Infrastructure Facility | +14,227,000.00 |
| 15 | Department of Agriculture, Water and the Environment | Administered item, Outcome 5 | -40,000,000.00 |
| 16 | National Indigenous Australians Agency | Administered item, Outcome 1 | +40,000,000.00 |
| 17 | Department of Education, Skills and Employment | Departmental item | -3,906,198.00 |
| 18 | Department of Foreign Affairs and Trade | Departmental item | +3,906,198.00 |
| 19 | Department of Health | Administered item, Outcome 3 | -350,000.00 |
| 20 | Department of Social Services | Administered item, Outcome 3 | +350,000.00 |
| 21 | Department of Social Services | Departmental item | +87,000.00 |

6 Modification of *Appropriation (Coronavirus Response) Act (No. 1) 2021‑2022*

(1) This section applies to the *Appropriation (Coronavirus Response Act (No. 1) 2021‑2022*.

(2) The Act has effect as if Schedule 1 to the Act included:

(a) a departmental item for the National Emergency Management Agency; and

(b) the following outcome for that Agency:

**Outcome 1**

To develop, lead and coordinate the Commonwealth’s approach to emergency management, including the support of activities relating to preparedness, response, relief, recovery, reconstruction, risk reduction and resilience for all-hazard emergencies and disasters

(3) The Act has effect:

(a) as if appropriation items in Schedule 1 to the Act were increased or decreased in accordance with the following table; and

(b) if the table specifies an increase for an appropriation item which is an appropriation item that has effect because of this determination—as if the increase were from a nil amount.

| Increases and decreases in appropriation items | | | |
| --- | --- | --- | --- |
| Item | Entity | Appropriation item | Increase (+)/ decrease (‑) ($) |
| 1 | National Recovery and Resilience Agency | Administered item, Outcome 1 | -600,000,000.00 |
| 2 | National Emergency Management Agency | Administered item, Outcome 1 | +600,000,000.00 |

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the Legislation Act 2003.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | orig = original |
| ad = added or inserted | par = paragraph(s)/subparagraph(s) |
| am = amended | /sub‑subparagraph(s) |
| amdt = amendment | pres = present |
| c = clause(s) | prev = previous |
| C[x] = Compilation No. x | (prev…) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expires/expired or ceases/ceased to have | rep = repealed |
| effect | rs = repealed and substituted |
| F = Federal Register of Legislative Instruments | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LA = *Legislation Act 2003* | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | SLI = Select Legislative Instrument |
| (md) = misdescribed amendment | SR = Statutory Rules |
| mod = modified/modification | Sub‑Ch = Sub‑Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| o = order(s) | underlining = whole or part not |
| Ord = Ordinance | commenced or to be commenced |

Endnote 3—Legislation history

| Name | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2021‑2022 | 30 August 2021 (F2021L01207) | 31 August 2021 (s 2) | — |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 1) | 29 September 2021 (F2021L01337) | 30 September 2021 (s 2) | — |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 2) | 9 December 2021 (F2021L01739) | 10 December 2021 (s 2) | — |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 3) | 19 January 2022 (F2022L00042) | 20 January 2022 (s 2) |  |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 4) | 27 January 2022 (F2022L00075) | 28 January 2022 (s 2) |  |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 5) | 7 March 2022 (F2022L00278) | 8 March 2022 (s 2) |  |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 6) | 1 September 2022 (F2022L01152) | 1 September 2022 (s 2) |  |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s 2  s 4 | rep LA s 48D  am F2022L01152 | |
| s 5 | ad F2021L01337; am F2021L01739; ad F2022L00042; ad F2022L00075;  am F2022L00278 | |
| s 6 | ad F2022L01152 | |