

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

*Public Governance, Performance and Accountability (Section 75 Transfers) Determination
2021-2022 (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 recent Machinery of Government Changes.

On 5 July 2021, the Prime Minister agreed to the transfer of the functions below to support the revised mandate of the Digital Transformation Agency (DTA):

- Digital Identity (integrated delivery management), from the DTA to the Australian Taxation Office (ATO); and
- National Map, from the DTA to Geoscience Australia (GA).

The determination modifies the Appropriation Act to reflect these transfers. The determination does not change the total amount appropriated by Parliament.

Commencement

The 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 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. Relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2021-2022* have effect as if they were increased or decreased by subsection 5(2) in the determination.
2. Subsection 5(2) in the determination also provides that when there is an increase to 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.
3. The table at subsection 5(2) of the determination affects relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2021-2022* in the following way:

Item	Entity	Appropriation item	Amount transferred by the Determination (\$)
1	Digital Transformation Agency	Departmental item	-984,000.00
2	Australian Taxation Office	Departmental item	+960,000.00
3	Geoscience Australia	Departmental item	+24,000.00

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