**EXPLANATORY STATEMENT**

*Public Governance, Performance and Accountability Act 2013*

*Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2021‑2022 (No. 1)* (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 a recent Machinery of Government change.

On 2 July 2021, the Governor-General made amendments to the Administrative Arrangements Order made on 18 March 2021 including the transfer of responsibility for Northern Australia policy and coordination and the *Northern Australia Infrastructure Facility* *Act 2016* from the Department of Industry, Science, Energy and Resources to the Department of Infrastructure, Transport, Regional Development and Communications.

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 DTA to Services Australia;
* data.gov.au, from DTA to the Australian Bureau of Statistics;
* Government Domain Names, from DTA to the Department of Finance;
* Australian Government Style Manual and Digital Professions, from DTA to the Australian Public Service Commission; and
* COVIDSafe app, from DTA to the Department of Health.

The amendment determination modifies the Appropriation Act to reflect these transfers and 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 2021‑2022* (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 thePGPA 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 inserts paragraph 5(1A) which modifies the Appropriation Act so that the Northern Australia Infrastructure Facility were included in the Infrastructure, Transport, Regional Development and Communications Portfolio.
2. Item 2 of the amendment determination repeals and substitutes one item in the table in subsection 5(2) of the Determination. The item affects the relevant appropriation item in Schedule 1 to the *Appropriation Act (No. 1) 2021-2022* 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 ($)** |
| 1 | Digital Transformation Agency | Departmental item | -984,000.00 | -6,881,379.74 | -7,865,379.74 |

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

1. Item 3 of the amendment determination adds items from No.4 to No.14 in the table in subsection 5(2) of the Determination. The items affect relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2021‑2022* 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 ($)** |
| 4 | Services Australia | Departmental item | 0.00 | +960,000.00 | +960,000.00 |
| 5 | Australian Bureau of Statistics | Departmental item | 0.00 | +100,000.00 | +100,000.00 |
| 6 | Department of Finance | Departmental item | 0.00 | +877,379.74 | +877,379.74 |
| 7 | Australian Public Service Commission | Departmental item | 0.00 | +3,944,000.00 | +3,944,000.00 |
| 8 | Department of Health | Departmental item | 0.00 | +1,000,000.00 | +1,000,000.00 |
| 9 | Department of Industry, Science, Energy and Resources | Administered item, Outcome 1 | 0.00 | -30,777,000.00 | -30,777,000.00 |
| 10 | Department of Infrastructure, Transport, Regional Development and Communications | Administered item, Outcome 3 | 0.00 | +30,777,000.00 | +30,777,000.00 |
| 11 | Department of Industry, Science, Energy and Resources | Departmental item | 0.00 | -8,856,000.00 | -8,856,000.00 |
| 12 | Department of Infrastructure, Transport, Regional Development and Communications | Departmental item | 0.00 | +8,856,000.00 | +8,856,000.00 |
| 13 | Department of Industry, Science, Energy and Resources | Corporate entity item, Northern Australia Infrastructure Facility | 0.00 | -14,227,000.00 | -14,227,000.00 |
| 14 | Department of Infrastructure, Transport, Regional Development and Communications | Corporate entity item, Northern Australia Infrastructure Facility | 0.00 | +14,227,000.00 | +14,227,000.00 |

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