

EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2020-2021 (No. 6) (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 transfer responsibility for the Australian Government Style Manual and Digital Professions from the Digital Transformation Agency (DTA) to the Australian Public Service Commission (APSC).

The amendment determination modifies the *Appropriation Act (No. 1) 2020-2021* to reflect this transfer, and to rectify a minor administrative error made in the *Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2020-2021 (No. 5)*. The error was in relation to two separate transfers to the Department of the Treasury which were inadvertently created as two separate items, although they relate to the same appropriation. The amendment determination combines these two items into one.

The amendment determination results in no change to the total amount appropriated by the 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 amendment determination.

Summary of Modifications

- Item 1 of the amendment determination repeals and substitutes one item in the table in subsection 7(2) of the Determination, to rectify an administrative error. The item affects the relevant appropriation item in Schedule 1 to the *Appropriation Act (No. 1) 2020-2021* 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 (\$)
5	Department of the Treasury	Departmental item	+7,604,488.68	0.00	+7,604,488.68

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

- Item 2 of the amendment determination repeals item 11 and substitutes items 11 and 12 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:

Item	Entity	Appropriation item	Amount previously transferred by the Determination (\$)	Amount transferred by the amendment determination (\$)	Amended amount transferred by the Determination (\$)
11	Digital Transformation Agency	Departmental item	0.00	-825,835.91	-825,835.91
12	Australian Public Service Commission	Departmental item	0.00	+825,835.91	+825,835.91

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

- Item 3 of the amendment determination adds section 9 to the Determination which applies to appropriation items in Schedule 1 to the *Appropriation Act (No. 3) 2020-2021* respectively.
- The table at subsection 9(2) affects relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 3) 2020-2021* 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	Department of Industry, Science, Energy and Resources	Departmental item	0.00	-667,889.71	-667,889.71
2	Department of Infrastructure, Transport, Regional Development and Communications	Departmental item	0.00	+667,889.71	+667,889.71

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