

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance and Deregulation

<b>The instrument to which this explanatory statement relates</b>	<i>FMA Act Determination 2009/09 – Section 32 (Transfer of Functions from DIAC to Customs)</i>
<b>Date instrument was made</b>	14 May 2009
<b>The legislative authority under which the instrument is made</b>	<p>Subsection 32(2) of the <i>Financial Management and Accountability Act 1997</i> (FMA Act) enables the Minister for Finance and Deregulation (Finance Minister) to determine that one or more Schedules to one or more Appropriation Acts are amended in relation to the transfer of a function from one agency to another.</p> <p>Under section 62 of the FMA Act the Finance Minister has delegated this power to the Secretary of the Department of Finance and Deregulation (Finance). Under section 53 of the FMA Act, the Secretary of Finance has delegated this power to officials within Finance.</p>
<b>Purpose and effect of the instrument</b>	<p>Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2008-2009</i> to transfer an amount of \$531,829.00 of the departmental item for the Department of Immigration and Citizenship (DIAC) to the departmental item for the Australian Customs Service (Customs).</p> <p>The effect of this instrument is to reduce the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for DIAC and increase the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for Customs.</p>
<b>Background</b>	<p>The appropriation amount transferred relates to the transfer of maritime people smuggling functions from DIAC to Customs.</p>
<b>Notes on the Instrument</b>	<p>In accordance with the <i>Legislative Instruments Act 2003</i>, DIAC and Customs were consulted in the preparation of this instrument.</p> <p>This Determination is a legislative instrument for the purposes of the <i>Legislative Instruments Act 2003</i>.</p>