EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	*FMA Act Determination 2010/09 – Section 32 (Transfer of Functions from DEWHA to DCCEE)*
Date instrument was made	14 May 2010
The legislative authority under which the instrument is made	Subsection 32(2) of the *Financial Management and Accountability Act 1997* (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. 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.
Purpose and effect of the instrument	Schedule 1 of this Instrument amends the *Appropriation Act (No. 1) 2009-2010* to transfer an amount of $354,957,256.92 of the administered item for Outcome 2 for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the administered item for Outcome 1 for the Department of Climate Change and Energy Efficiency (DCCEE). The effect of this schedule is to: • reduce the administered item for Outcome 2 in *Appropriation Act (No. 1) 2009-2010* for DEWHA and increase the administered item Outcome 1 in *Appropriation Act (No. 1) 2009-2010* for DCCEE.
	Schedule 2 of this Instrument amends the *Appropriation (Water Entitlements and Home Insulation) Act 2009-2010* to transfer an amount of $218,806,346.03 of the administered item for Outcome 2 for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the administered item for Outcome 1 for the Department of Climate Change and Energy Efficiency (DCCEE). The effect of this schedule is to: • reduce the administered item for Outcome 2 in *Appropriation (Water Entitlements and Home Insulation) Act 2009-2010* for DEWHA and insert a administered item for Outcome 1 in *Appropriation (Water Entitlements and Home Insulation) Act 2009-2010* for DCCEE.

EXPLANATORY STATEMENT

Purpose and effect of the instrument continued	Schedule 3 of this Instrument amends the *Appropriation Act (No. 3) 2009-2010* to transfer an amount of $397,521,000 of the administered item for Outcome 2 for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the administered item for Outcome 1 for the Department of Climate Change and Energy Efficiency (DCCEE). The effect of this schedule is to: • reduce the administered item for Outcome 2 in *Appropriation Act (No. 3) 2009-2010* for DEWHA and increase the administered item for Outcome 1 in *Appropriation Act (No. 3) 2009-2010* for DCCEE.
	Schedule 4 of this Instrument amends the *Appropriation Act (No. 4) 2009-2010* to transfer an amount of $8,045,000 of the States, ACT, NT and local government item for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the States, ACT, NT and local government item for the Department of Climate Change and Energy Efficiency (DCCEE). The effect of this schedule is to: • reduce the States, ACT, NT and local government item for Outcome 2 in *Appropriation Act (No. 4) 2009-2010* for DEWHA and insert a States, ACT, NT and local government item for Outcome 1 in *Appropriation Act (No. 4) 2009-2010* for DCCEE.
Background	The Amendment to the Administrative Arrangements Order dated 8 March 2010 transferred energy efficiency functions from the Department of the Environment, Water, Heritage and the Arts to the Department of Climate Change. As part of this reorganisation of government functions, the then Department of Climate Change was renamed the Department of Climate Change and Energy Efficiency. This Determination transfers appropriations for the energy efficiency function, from DEWHA to DCCEE.
Notes on the Instrument	In accordance with the *Legislative Instruments Act 2003*, DEWHA and DCCEE were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.