

EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	<i>Financial Management and Accountability Act 1997 Determination 2010/22 – Section 32 (Transfer of Functions from the former DITRDLG to DORA)</i>
Date instrument was made	1 November 2010
The legislative authority under which the instrument is made	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. 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 certain officials within Finance.
Purpose and effect of the instrument	Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2010-2011</i> to transfer an amount of \$1,601,636 of the administered item for Outcome 1 from the Department of Regional Australia, Regional Development and Local Government (DORA) to the administered item for Outcome 3 for the former Department of Infrastructure, Transport, Regional Development and Local Government (DITRDLG). The effect of Schedule 1 is to reduce the administered item for Outcome 1 in <i>Appropriation Act (No. 1) 2010 2011</i> for DORA and increase the administered item for Outcome 3 in <i>Appropriation Act (No. 1) 2010 2011</i> for DITRDLG.
Background	On 14 September 2010, ministerial portfolios were restructured and departments were renamed in accordance with the <i>Administrative Arrangements Order</i> made on that date. The former Department of Infrastructure, Transport, Regional Development and Local Government was renamed the Department of Infrastructure and Transport, and some of its former functions were transferred to the Department of Regional Australia, Regional Development and Local Government, a department within the Prime Minister and Cabinet portfolio created on 14 September 2010.

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Background (continued)	On 1 October 2010 a <i>Financial Management and Accountability Act 1997 Determination 2010/17 – Section 32 (Transfer of Functions from the former DITRDLG to DORA)</i> transferred an amount of \$144,215,595.79 of Outcome 3 of the administered item from <i>Appropriation Act (No. 1) 2010-2011</i> for DITRDLG to DORA. Of this amount, \$1,601,636 was transferred in excess of the requirement. The purpose of this Determination is to return the \$1,601,636 to the Department of Infrastructure and Transport.
Notes on the Instrument	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , the Department of Infrastructure and Transport and the Department of Regional Australia, Regional Development and Local Government were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i> .