EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	*Financial Management and Accountability Act 1997 Determination 2010/28 – Section 32 (Transfer of Functions from AGD to DORA)*
Date instrument was made	24 November 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 certain officials within Finance.
Purpose and effect of the instrument	Schedule 1 of this Instrument amends the *Appropriation Act (No. 1) 2009-2010* to reduce the departmental item of the Attorney-General's Department (AGD) by $2,231,105.49. Schedule 2 of this Instrument amends the *Appropriation Act (No. 3) 2009-2010* to reduce the departmental item of the Attorney-General's Department (AGD) by $100,876. Schedule 3 of this Instrument amends the *Appropriation Act (No. 1) 2010-2011* to reduce the departmental item of the Attorney-General's Department (AGD) by $1,848,178 and to increase the departmental item for DORA by $4,180,159.49.
Background	Functions relating to the territories were transferred from the Attorney-General's Department to the Department of Regional Australia, Regional Development and Local Government due to a change to the *Administrative Arrangements Order* with effect from 14 September 2010.
Notes on the Instrument	In accordance with Part 3 of the *Legislative Instruments Act 2003*, the Attorney-General's Department 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 *Legislative Instruments Act 2003*.