

EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	<i>Financial Management and Accountability Act 1997 Determination 2012/07 – Section 32 (Transfer of Functions from SEWPaC to FaHCSIA and TREASURY)</i>
Date instrument was made	27 January 2012
The legislative authority under which the instrument is made	<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 certain officials within Finance.</p>
Purpose and effect of the instrument	<p>Schedule 1 of this Instrument amends <i>Appropriation Act (No. 1) 2010-2011</i> to transfer an amount of \$4,288,864.53 of the “Departmental” item for the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) to the “Departmental” item of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).</p> <p>Schedule 2 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to:</p> <ul style="list-style-type: none"> • transfer an amount of \$2,141,834.33 of the “Departmental” item for SEWPaC to the “Departmental” item for FaHCSIA, • transfer an amount of \$988,729.12 of the “Departmental” item for SEWPaC to the “Departmental” item for TREASURY, and • transfer an amount of \$118,256,834.04 of the “Administered” item opposite Outcome 2 for SEWPaC to the “Administered” item opposite Outcome 2 for FaHCSIA. <p>Schedule 3 of this Instrument amends <i>Appropriation Act (No. 2) 2011-2012</i> to transfer an amount of \$30,000,000.00 of the “Payments to States, ACT,NT and local government” item opposite Outcome 2 for SEWPaC to the “Payments to States, ACT,NT and local government” item opposite Outcome 2 for FaHCSIA.</p> <p>The effect of this schedule is to transfer appropriations relating to Housing Affordability.</p>

EXPLANATORY STATEMENT

Background	Functions relating to the Housing Affordability were transferred from SEWPaC to FaHCSIA and TREASURY due to a change to the Administrative Arrangements Order on 14 December 2011.
Notes on the Instrument	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , DPMC and DBCDE 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> .
Human Rights Impact Statement	This Instrument is exempt from disallowance under subsection 32(7) of the <i>Financial Management and Accountability Act 1997</i> . As such, a statement of compatibility prepared under subsection 9(1) of the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> is not required in this Explanatory Statement.