

## EXPLANATORY STATEMENT

<b>The instrument to which this explanatory statement relates</b>	<i>Financial Management and Accountability Act 1997 Determination 2012/09 – Section 32 (Transfer of Functions from SEWPaC to FaHCSIA and TREASURY)</i>
<b>Date instrument was made</b>	16 April 2012
<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 certain officials within Finance.</p>
<b>Purpose and effect of the instrument</b>	<p>Schedule 1 of this Instrument amends <i>Appropriation Act (No. 1) 2010-2011</i> to:</p> <ul style="list-style-type: none"> <li>• Reduce the “Departmental” item opposite “Total: Department of the Environment, Water, Heritage and the Arts” for DEWHA by \$1,077,180.03.</li> </ul> <p>Schedule 2 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to:</p> <ul style="list-style-type: none"> <li>• Reduce the “Departmental” item opposite “Total: Department of Sustainability, Environment, Water, Population and Communities” for SEWPaC by \$321,864.19;</li> <li>• Increase the “Departmental” item opposite “Total: Department of Families, Housing, Community Services and Indigenous Affairs” for FaHCSIA by \$1,112,145.37; and</li> <li>• Increase the “Departmental” item opposite “Total: Department of the Treasury” for TREASURY by \$286,898.85.</li> </ul> <p>The effect of these schedules is to transfer appropriations relating to Housing Affordability from SEWPaC to FaHCSIA and appropriations relating to Housing Supply Policy from SEWPaC to TREASURY.</p>
<b>Background</b>	<p>Due to a change to the Administrative Arrangements Order on 14 December 2011, the Housing Affordability function was transferred from SEWPaC to FaHCSIA and the Housing Supply Policy function was transferred from SEWPaC to TREASURY.</p>

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<b>Notes on the Instrument</b>	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , SEWPaC, FaHCSIA and TREASURY 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> .
<b>Human Rights Impact Statement</b>	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.