

EXPLANATORY STATEMENT

The instrument to which this explanatory statement relates	<i>Financial Management and Accountability Act 1997 Determination 2012/13– Section 32 (Transfer of functions from DCCEE to CER)</i>
Date instrument was made	16 April 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 2012/13 amends <i>Appropriation Act (No. 1) 2011-2012</i> to transfer \$10,000,000.00 of the departmental item for DCCEE within <i>Appropriation Act (No. 1) 2011-2012</i> to CER.</p> <p>Schedule 2 amends <i>Appropriation Act (No. 2) 2011-2012</i> to transfer an amount of \$500,000.00 of “Equity Injections” from DCCEE to “Equity Injections” for CER.</p>
Background	The transfer of appropriations is made due to a Government decision to establish the Clean Energy Regulator and to transfer the functions regarding the administration of the carbon pricing mechanism, Renewable Energy Target, Carbon Farming Initiative and the National Greenhouse and Energy Reporting systems from the Department of Climate Change and Energy Efficiency to the Clean Energy Regulator.
Notes on the Instrument	In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , DCCEE and CER 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.