

## EXPLANATORY STATEMENT

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| <b>The instrument to which this explanatory statement relates</b>   | <i>Financial Management and Accountability Act 1997 Determination 2012/28– Section 32 (Transfer of Functions from NNTT to FEDCA)</i>   |
| <b>Date instrument was made</b>                                     | 19 October 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) 2005-2006</i> to reduce the departmental item for the National Native Title Tribunal (NNTT) by \$944,000.00.</p> <p>Schedule 2 of this Instrument amends <i>Appropriation Act (No. 3) 2005-2006</i> to reduce the departmental item for NNTT by \$105,000.00.</p> <p>Schedule 3 of this Instrument amends <i>Appropriation Act (No. 1) 2006-2007</i> to reduce the departmental item for NNTT by \$5,900,000.00.</p> <p>Schedule 4 of this Instrument amends <i>Appropriation Act (No. 1) 2007-2008</i> to reduce the departmental item for NNTT by \$2,959,417.00.</p> <p>Schedule 5 of this Instrument amends <i>Appropriation Act (No. 1) 2008-2009</i> to reduce the departmental item for NNTT by \$656,000.00.</p> <p>Schedule 6 of this Instrument amends <i>Appropriation Act (No. 1) 2009-2010</i> to reduce the departmental item for NNTT by \$450,000.00.</p> <p>Schedule 7 of this Instrument amends <i>Appropriation Act (No. 2) 2010-2011</i> to reduce an other departmental item (Equity Injections) for NNTT by \$19,350.75.</p> <p>Schedule 8 of this Instrument amends <i>Appropriation Act (No. 1) 2011-2012</i> to reduce the departmental item for NNTT by \$2,564,733.29.</p> <p>Schedule 9 of this Instrument amends <i>Appropriation Act (No. 1) 2012-2013</i> to increase the departmental item for the Federal Court of Australia (FEDCA) by \$13,579,150.29.</p> |

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|                                      | Schedule 10 of this Instrument amends <i>Appropriation Act (No. 2) 2012-2013</i> to increase an other departmental item (Equity Injections) for FEDCA by \$19,350.75.  |
| <b>Background</b>                    | Due to a Government decision on 8 March 2012, the functions relating to the native title claims administration and assistance with related Indigenous Land Use Agreement negotiations were transferred from the National Native Title Tribunal to the Federal Court of Australia.                                    |
| <b>Notes on the Instrument</b>       | In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , NNTT and FEDCA 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. |