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| **The instrument to which this explanatory statement relates** | *Financial Management and Accountability Act 1997 Determination 2012/30 – Section 32 (Transfer of Functions from DPP to AFP)* |
| **Date instrument was made** | 22 November 2012 |
| **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 *Appropriation Act (No. 1) 2012-2013* to transfer an amount of $1,750,000.00 of the departmental item for the Office of the Director of Public Prosecutions (DPP) to the departmental item for the Australian Federal Police (AFP).  The effect of this Schedule is to transfer an amount to the departmental item for the AFP due to a decision of the Australian Government to transfer responsibility for the majority of litigation/function under the Proceeds of Crime Act 2002 from the DPP to AFP. |
| **Background** | Amendments were made in the Crimes Legislation Amendment Act (No. 2) 2011 to the Proceeds of Crime Act 2002 to enable the AFP to conduct proceeds of crime litigation on behalf of the permanent Criminal Asset Confiscation Taskforce. |
| **Notes on the Instrument** | In accordance with Part 3 of the *Legislative Instruments Act 2003*, DPP and AFP 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*. |
| **Human Rights Impact Statement** | This Instrument is exempt from disallowance under subsection 32(7) of the *Financial Management and Accountability Act 1997*. As such, a statement of compatibility prepared under subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* is not required in this Explanatory Statement. |