

## **EXPLANATORY STATEMENT**

### *Financial Management and Accountability Act 1997*

#### *FMA Act Determination 2013/04 – Section 32 (Transfer of Functions from Health to NHFB)*

#### **Purpose of this Determination**

This Determination is made under section 32 of the *Financial Management and Accountability Act 1997* (FMA Act) due to the establishment of a new statutory agency, the National Health Funding Body (NHFB), on 25 June 2012 and the transferral of functions from the Department of Health and Ageing (Health) to the NHFB.

#### **Transfer of Functions generally**

Section 32 of the FMA Act enables the 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 the power in section 32 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 Senior Executive Service officials within Finance.

This Determination is a legislative instrument for the purposes of section 5 of the *Legislative Instruments Act 2003*.

#### **Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is not required for this Determination. Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires a Statement of Compatibility with Human Rights for all legislative instruments subject to disallowance under section 42 of the *Legislative Instruments Act 2003*. A determination under section 32 of the FMA Act is exempt from disallowance under subsection 32(7) of the FMA Act.

#### **Consultation and Impact**

Consistent with Part 3 of the *Legislative Instruments Act 2003*, Health and NHFB were consulted in the preparation of this Determination.

#### **Summary of Changes**

This Determination affects Appropriation Acts in the following way, which results in no change to the total amount appropriated by Parliament:

<b>Agency affected</b>	<b>Item affected</b>	<b>Appropriation Act</b>	<b>Transfer to \$'000</b>	<b>Transfer from \$'000</b>
National Health Funding Body	Departmental item	<i>Appropriation Act (No. 1) 2012-2013</i>	+5,520	
Department of Health and Ageing	Outcome 13, Administered item	<i>Appropriation Act (No. 1) 2012-2013</i>		-5,520
<b>Total</b>			<b>+5,520</b>	<b>-5,520</b>