

Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017‑2018

made under section 75 of the

Public Governance, Performance and Accountability Act 2013

**Compilation No. 1**

**Compilation date:** 2 May 2018

**Includes amendments up to:** Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2017‑2018 (No. 1)

**About this compilation**

**This compilation**

This is a compilation of the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017-2018* that shows the text of the law as amended and in force on 2 May 2018 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

 This is the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017‑2018.*

2 Commencement

 This instrument commences on 23 January 2018.

3 Authority

 This instrument is made under section 75 of the *Public Governance, Performance and Accountability Act 2013*.

4 Definitions

***Appropriation Act*** means:

1. the *Appropriation Act (No. 1) 2017‑2018*; or
2. the *Appropriation Act (No. 2) 2017‑2018*; or
3. the *Appropriation Act (No. 3) 2017‑2018*; or
4. the *Appropriation Act (No. 4) 2017‑2018*.

***appropriation item*** means an item within the meaning of an Appropriation Act.

***entity*** means a non-corporate entity within the meaning of an Appropriation Act.

5 Modification of Appropriation Acts

 The Appropriation Acts have effect as if:

* 1. references in the Acts to the Immigration and Border Protection Portfolio were references to the Home Affairs Portfolio; and
	2. references in the Acts to the Department of Immigration and Border Protection were references to the Department of Home Affairs; and
	3. appropriation items and outcomes for the following entities, included for the Attorney-General’s Portfolio, were instead included for the Home Affairs Portfolio:
1. Australian Criminal Intelligence Commission;
2. Australian Federal Police;
3. Australian Institute of Criminology;
4. Australian Transaction Reports and Analysis Centre; and
	1. references in the Acts to the Infrastructure and Regional Development Portfolio were references to the Infrastructure, Regional Development and Cities Portfolio; and
	2. references in the Acts to the Department of Infrastructure and Regional Development were references to the Department of Infrastructure, Regional Development and Cities; and
	3. items and outcomes for the Infrastructure and Project Financing Agency, included for the Prime Minister and Cabinet Portfolio, were instead included for the Infrastructure, Regional Development and Cities Portfolio; and
	4. references in the Acts to the Employment Portfolio and the Industry, Innovation and Science Portfolio were references to the Jobs and Innovation Portfolio; and
	5. references in the Acts to the Department of Employment were references to the Department of Jobs and Small Business; and
	6. items and outcomes for the Department of Human Services, included for the Social Services Portfolio, were instead included for a Human Services Portfolio; and
	7. items and outcomes for the Workplace Gender Equality Agency, included for the Education and Training Portfolio, were instead included for the Prime Minister and Cabinet Portfolio; and
	8. corporate entity items and outcomes for the Australian Institute for Aboriginal and Torres Strait Islander Studies, included in the Jobs and Innovation Portfolio, were instead included for the Prime Minister and Cabinet Portfolio.

6 Modification of *Appropriation Act (No. 1) 2017‑2018*

1. This section applies to the *Appropriation Act (No. 1) 2017‑2018*.
2. The Act has effect as follows:
3. as if Outcome 1 for the Department of Home Affairs in Schedule 1 to the Act were replaced with the following outcome:

**Outcome 1**
Protect Australia’s sovereignty, security and safety through its national security, emergency management system, law enforcement, and managing its border, including managing the stay and departure of all non-citizens

1. as if Outcome 2 for the Department of Home Affairs in Schedule 1 to the Act were replaced with the following outcome:

**Outcome 2**
Support a prosperous and inclusive society, and advance Australia’s economic interests through the effective management of the visa, multicultural and citizenship programs and provision of refugee and humanitarian assistance

1. The Act has effect:
	1. as if appropriation items in Schedule 1 to the Act were increased or decreased in accordance with the following table; and
	2. if the table specifies an increase for an appropriation item which is an appropriation item that has effect because of this determination – as if the increase were from a nil amount.

| Increases and decreases in appropriation items |
| --- |
| Item | Entity | Appropriation item | Increase (+)/decrease (‑)($’000) |
| 1 | Department of Home Affairs | Departmental item | +60,142.035 |
| 2 | Attorney-General’s Department  | Departmental item | -34,724.035 |
| 3 | Department of Infrastructure, Regional Development and Cities | Departmental item | -16,478 |
| 4 | Department of the Prime Minister and Cabinet | Departmental item | -11,072 |
| 5 | Department of Social Services | Departmental item | -1,230 |
| 6 | Digital Transformation Agency | Departmental item | +714 |
| 7 | Department of Finance | Departmental item | -205 |
| 8 | Department of Home Affairs | Administered item, Outcome 1 | +34,857.6111 |
| 9 | Attorney-General’s Department | Administered item, Outcome 1 | -33,783.6111 |
| 10 | Department of Infrastructure, Regional Development and Cities | Administered item, Outcome 2 | -991 |
| 11 | Department of the Prime Minister and Cabinet | Administered item, Outcome 1 | -19,037 |
| 12 | Department of Jobs and Small Business | Departmental item | +5,439 |
| 13 | Department of the Treasury | Departmental item | -5,174 |
| 14 | Department of Agriculture and Water Resources | Departmental item | -546 |
| 15 | Department of Infrastructure, Regional Development and Cities | Administered item, Outcome 3 | +19,897 |
| 16 | Department of Agriculture and Water Resources | Administered item, Outcome 3 | -3,000 |
| 17 | Department of Jobs and Small Business | Administered item, Outcome 2 | +9,222 |
| 18 | Department of the Treasury | Administered item, Outcome 1 | -9,222 |
| 19 | Department of Industry, Innovation and Science | Departmental item | +170 |
| 20 | Department of Industry, Innovation and Science | Administered item, Outcome 1 | +2,057 |
| 21 | Office of National Assessments | Departmental item | +2,964 |
| 22 | Department of the Prime Minister and Cabinet | Corporate entity item, Australian Institute of Aboriginal and Torres Strait Islander Studies | +3,248.834 |
| 23 | Department of Education and Training | Corporate entity item, Australian Institute of Aboriginal and Torres Strait Islander Studies | -3,248.834 |

7 Modification of *Appropriation Act (No. 2) 2017‑2018*

1. This section applies to the *Appropriation Act (No. 2) 2017‑2018*.
2. The Act has effect as follows:
3. as if the following row were included in Schedule 1 to the Act:

|  |  |  |  |
| --- | --- | --- | --- |
| Department of Home Affairs | Protect Australia’s sovereignty, security and safety through its national security, emergency management system, law enforcement, and managing its border, including managing the stay and departure of all non-citizens | Minister for Home Affairs | Minister for Home Affairs |

1. as if a State, ACT, NT and local government item for the Department of Home Affairs were included in Schedule 2 to the Act opposite the following outcome:

**Outcome 1**Protect Australia’s sovereignty, security and safety through its national security, emergency management system, law enforcement, and managing its border, including managing the stay and departure of all non-citizens

1. The Act has effect:
	1. as if appropriation items in Schedule 2 to the Act were increased or decreased in accordance with the following table; and
	2. if the table specifies an increase for an appropriation item which is an appropriation item that has effect because of this determination – as if the increase were from a nil amount.

| Increases and decreases in appropriation items |
| --- |
| Item | Entity | Appropriation item | Increase (+)/decrease (‑)($’000) |
| 1 | Department of Home Affairs | State, ACT, NT and local government item, Outcome 1 | +1,969.29 |
| 2 | Attorney-General’s Department | State, ACT, NT and local government item, Outcome 1 | -1,969.29 |
| 3 | Department of Home Affairs | Other departmental item (Equity Injections) | +1,123.756 |
| 4 | Attorney-General’s Department | Other departmental item (Equity Injections) | -1,123.756 |
| 5 | Department of Infrastructure, Regional Development and Cities | Administered Assets and Liabilities item | +50,000 |
| 6 | Department of Agriculture and Water Resources | Administered Assets and Liabilities item | -50,000 |

8 Modification of *Appropriation Act (No. 3) 2017‑2018*

1. This section applies to the *Appropriation Act (No. 3) 2017‑2018*.
2. The Act has effect:
	1. as if appropriation items in Schedule 1 to the Act were increased or decreased in accordance with the following table; and
	2. if the table specifies an increase for an appropriation item which is an appropriation item that has effect because of this determination – as if the increase were from a nil amount.

| Increases and decreases in appropriation items |
| --- |
| Item | Entity | Appropriation item | Increase (+)/decrease (‑)($’000) |
| 1 | Department of Home Affairs | Administered item, Outcome 1 | +2,507 |
| 2 | Attorney-General’s Department | Administered item, Outcome 1 | -2,507 |

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | orig = original |
| ad = added or inserted | par = paragraph(s)/subparagraph(s) |
| am = amended |  /sub‑subparagraph(s) |
| amdt = amendment | pres = present |
| c = clause(s) | prev = previous |
| C[x] = Compilation No. x | (prev…) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expires/expired or ceases/ceased to have | rep = repealed |
|  effect | rs = repealed and substituted |
| F = Federal Register of Legislative Instruments | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LI = Legislative Instrument | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | SLI = Select Legislative Instrument |
| (md) = misdescribed amendment | SR = Statutory Rules |
| mod = modified/modification | Sub‑Ch = Sub‑Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| o = order(s) | underlining = whole or part not |
| Ord = Ordinance |  commenced or to be commenced |

Endnote 3—Legislation history

| Name | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017‑2018 | 22 Jan 2018 (F2018L00051) | 23 Jan 2018 (s 2) | — |
| Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2017‑2018 (No. 1) | 2 May 2018 (F2018L00572) | 2 May 2018 (s 2) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s 2  | rep LIA s 48D |
| s 4  | ad F2018L00572 |
| s 5  | ad F2018L00572 |
| s 6  | ad F2018L00572 |
| s 7  | ad F2018L00572 |
| s 8  | ad F2018L00572 |