EXPLANATORY STATEMENT

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2017-2018 (No. 4) (the amendment determination)

Purpose of the determination

The amendment determination is made under section 75 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), to adjust amounts appropriated to non-corporate Commonwealth entities, in response to

- the transfer of non-childcare services from the Department of Education and Training to the Department of Social Services on 1 July 2018; and
- the transfer of health grants administration functions from the Department of Health to the Community Grants Hub within the Department of Social Services on 1 September 2018.

The amendment determination results in no change to the total amount appropriated by Parliament.

Commencement

The amendment determination commences on the day after it is registered.

Authority for the determination

Section 75 of the PGPA Act enables the Finance Minister to determine that one or more Schedules to one or more Appropriation Acts are modified in a specified way in relation to the transfer of a function from one non-corporate Commonwealth entity to another.

Under section 107 of the PGPA Act, the Finance Minister has delegated the power to make determinations under section 75 to the Secretary of the Department of Finance. Under section 109 of the PGPA Act, the Secretary has, in turn, sub-delegated this power to certain officials within the Department of Finance, including the official who made the determination.

The amendment determination amends the *Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2017-2018*, which is a legislative instrument for the purposes of section 8 of the *Legislation Act 2003*.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is not required for the amendment 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 *Legislation Act 2003*. A determination, including an amendment determination, under section 75 of the PGPA Act is exempt from disallowance under subsection 75(7) of the PGPA Act. As such, a Statement of Compatibility with Human Rights is not required.

Consultation

Consistent with Chapter 3, Part 1 of the *Legislation Act 2003,* the affected entities were consulted in the preparation of the amendment determination.

Summary of Modifications

1.   Item 1 of the amendment determination repeals and substitutes item 5 in the table in subsection 6(3) of the Determination. The item affects the relevant appropriation item in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* in the following way:

Item	Entity	Appropriation item	Amount previously transferred by the Determination ($)	Amount transferred by the amendment determination ($)	Amended amount transferred by the Determination ($)
5	Department of Social Services	Departmental item	-1,230,000.00	+7,633,000.00	**+6,403,000.00**

Note: A positive amount reflects an increase in an appropriation item and a negative amount reflects a decrease in an appropriation item.

2.   Item 2 of the amendment determination adds items 25 and 26 to the table in subsection 6(3) of the Determination. The item affects the relevant appropriation items in Schedule 1 to the *Appropriation Act (No. 1) 2017-2018* in the following way:

Item	Entity	Appropriation item	Amount previously transferred by the Determination ($)	Amount transferred by the amendment determination ($)	Amended amount transferred by the Determination ($)
25	Department of Education and Training	Departmental item	0.00	-104,000.00	**-104,000.00**
26	Department of Health	Departmental item	0.00	-7,529,000.00	**-7,529,000.00**

Note: A positive amount reflects an increase in an appropriation item and a negative amount reflects a decrease in an appropriation item.