

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance and Deregulation

Financial Management and Accountability Act 1997

Determination 2009/26 to vary and abolish a Special Account

Purposes of Determination 2009/26

The attached instrument makes a determination under subsections 20 (2) and (3) of the *Financial Management and Accountability Act 1997* (FMA Act) to vary and subsequently abolish the *Commonwealth Social Services Special Account*.

Special Accounts generally

In accordance with the Constitution, all revenues or moneys raised or received by the Government of the Commonwealth form one Consolidated Revenue Fund (CRF) and may not be spent unless under an appropriation by the Parliament for the purposes of the Commonwealth. A Special Account may be established by a determination that sets out the amounts that may be credited and the purposes for which it may be debited. Special Accounts established by determination are supported by an appropriation under section 20 of the FMA Act. In effect, Special Accounts allow amounts from the CRF to be spent on the purposes specified in the determination.

Determinations that establish Special Accounts, or vary determinations that establish Special Accounts, are subject to section 22 of the FMA Act. Section 22 of the FMA Act requires the Finance Minister to table a copy of the establishing or varying determination in each House of the Parliament. Either House may disallow a determination within five sitting days of tabling. If the determination is not disallowed, it comes into effect on the calendar day after the last day on which it could have been disallowed.

Regulation 10 of the *Legislative Instruments Regulations 2004* preserves the disallowance provisions under section 22 of the FMA Act by exempting Special Account determinations from subsections 57(2) and 57(5) of the *Legislative Instruments Act 2003*.

Special Accounts can be abolished by a determination of the Finance Minister. However, such a determination is not subject to parliamentary disallowance.

Operation of Determination 2009/26

Reasons for varying the Special Account

The *Commonwealth Social Services Special Account* (CSS Special Account), which is administered by Centrelink, was established to provide an appropriation for Centrelink to use amounts received from other Commonwealth entities as fees for 'services rendered' by Centrelink. In the 2009-10 Budget, it was decided that instead of continuing to charge other entities fees for its services, Centrelink would receive a direct departmental appropriation for its operating expenses. Therefore, no further amounts are to be credited to the CSS Special Account.

Effect of this Determination

This Determination (2009/26) varies the CSS Special Account by removing the crediting clauses from Determination 2006/48, which established the Special Account, so that no further amounts can be credited to the Special Account. Clause 4 of this Determination (2009/26) provides that the CSS Special Account will be abolished when its balance reaches zero.

Consultation

Centrelink is the agency affected by this instrument. The agency was provided with drafts of the instrument and agrees with the form of the instrument. As the instrument is for internal machinery of government purposes only, no consultation was considered necessary with other persons (see sections 17 and 18 of the *Legislative Instruments Act 2003*).

Estimates of transactions on the *Commonwealth Social Service Special Account*

	2009-10 (\$'000)			
	Opening Balance	Credits	Debits	Closing Balance
<i>Commonwealth Social Services Special Account</i>	362,604	0	362,604	0