



PGPA Act Determination (Establishment of FCA Litigants' Fund Special Account 2017)

I, MATHIAS HUBERT PAUL CORMANN, Minister for Finance, make the following determination.

Dated 15/3/2017

MATHIAS HUBERT PAUL CORMANN
Minister for Finance

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Part 1—Preliminary

1 Name

This instrument is the *PGPA Act Determination (Establishment of FCA Litigants' Fund Special Account 2017)*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Column 1 | Column 2 | Column 3 |
|------------------------------|---|--------------|
| Provisions | Commencement | Date/Details |
| The whole of this instrument | The day mentioned in paragraph 79(5)(a) of the Act as the day on which a determination made under subsections 78(1) and 78(3) of that Act takes effect. | |

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any version of this instrument published on the Federal Register of Legislation.

3 Authority

This instrument is made under subsections 78(1) and 78(3) of the *Public Governance, Performance and Accountability Act 2013*.

4 Definitions

In this instrument:

Act means the *Public Governance, Performance and Accountability Act 2013*.

former determination means the *Financial Management and Accountability (Determination 2004/07 — Federal Court of Australia Litigants' Fund Special Account) Establishment 2004*, as in force immediately before the commencement of this section.

former special account means the *Federal Court of Australia Litigants' Fund Special Account* established by section 3 of the former determination.

Official Public Account means the Commonwealth's central bank account.

the special account means the *FCA Litigants' Fund Special Account 2017*.

Part 2—Establishment of the special account

5 Establishment of the special account

For the purposes of paragraph 78(1)(a) of the Act, the *FCA Litigants' Fund Special Account 2017* is established as a special account (*the special account*).

6 Amounts that may be credited to the special account

For the purposes of paragraph 78(1)(b) of the Act, amounts up to and equal to the following may be credited to the special account:

- (a) amounts received in the course of the performance of functions that relate to the purposes of the special account;
- (b) amounts received from any person for the purposes of the special account.

7 Purposes of the special account

For the purposes of paragraph 78(1)(c) of the Act, the purposes for which amounts may be debited from the special account are as follows:

- (a) in accordance with:
 - (i) an order of the Federal Court of Australia or a Judge of that Court under Rule 2.43 of the *Federal Court Rules 2011*; or
 - (ii) a direction of a Registrar under that Order.
- (b) in any other case, in accordance with an order of the Federal Court of Australia or a Judge of that Court made under the *Federal Court Rules 2011*.

Part 3—Transitional provisions

8 Amendment of the former determination

For the purposes of paragraph 78(3) of the Act, the former determination is varied as follows:

Insert in section 5:

(c) to credit amounts to the *FCA Litigants' Fund Special Account 2017*.

9 Amounts that may be credited from the former special account

For the purposes of paragraph 78(1)(b) of the Act, if, immediately before the commencement of this section, there is an amount standing to the credit of the former special account, then an amount up to or equal to that amount may be debited from the former special account and credited to the special account.

Part 4—Accountable authority

10 Accountable authority responsible for the special account

For the purposes of paragraph 78(1)(d) of the Act, the accountable authority responsible for the special account is the Chief Executive Officer of the Federal Court of Australia.