



PGPA Act Determination (POCA Programs Special Account 2018)

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

Dated 02 / 05 / 2018

MATHIAS HUBERT PAUL CORMANN
Minister for Finance

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Part 1—Establishment

1 Name

This instrument is the *PGPA Act Determination (POCA Programs Special Account 2018)*.

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.	

- (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 subsection 78(1) of the Act.

4 Definitions

In this instrument:

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

AGD SOETM means the *Services for Other Entities and Trust Moneys – Attorney- General's Department Special Account* established by the *Financial Management and Accountability (Establishment of Special Account for Attorney- General's Department) Determination 2011/04*.

Confiscated Assets Account means the special account established in section 295 of the POCA.

Department means the Department of Home Affairs.

Minister means the Minister responsible for administering section 298 of the POCA.

POCA means the *Proceeds of Crime Act 2002*.

program means a program for the expenditure of money from the Confiscated Assets Account to carry out a purpose listed in subsection 298(2) of the POCA.

the special account means the *POCA Programs Special Account 2018*.

5 Establishment of the special account

For subsection 78(1)(a) of the Act, the *POCA Programs Special Account 2018* is established as a special account (*the special account*).

6 Accountable authority responsible for the special account

For subsection 78(1)(d) of the Act, the accountable authority responsible for the special account is the Secretary of the Department.

Part 2—Special account credits and debits

7 Amounts that may be credited to the special account

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

- (a) an amount received from the *Confiscated Assets Account* or the AGD SOETM for the purpose of making payments under a program approved by the Minister under section 298 of the POCA;
- (b) an amount received in the course of the performance of functions that relates to a purpose of the special account in clause 8.

8 Purposes of the special account

For subsection 78(1)(c) of the Act, an amount may be debited from the special account for one of the following purposes:

- (a) to make payments under a program approved by the Minister under section 298 of the POCA;
- (b) to repay an amount where an Act, other law, or court order requires or permits the repayment of an amount;
- (c) to reduce the balance of the special account (and, therefore, the available appropriation for the special account) without making a real or notional payment.