



## **PGPA Act Determination (ABCB Special Account 2019)**

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

Dated 28 / 11 / 2019

MATHIAS HUBERT PAUL CORMANN  
Minister for Finance

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## Part 1—Establishment

### 1 Name

This instrument is the *PGPA Act Determination (ABCB Special Account 2019)*.

### 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 subsections 78(1) and 78(3) of the Act.

### 4 Establishment of the special account

For subsection 78(1)(a) of the Act, the *ABCB Special Account 2019* is established as a special account (*the special account*).

### 5 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 of Industry, Innovation and Science.

## Part 2—Definitions

### 6 Definitions

In this instrument:

**ABCB** means the Australian Building Codes Board, which is continued in existence under the IGA.

**accountable authority** has the meaning provided in the Act.

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

**ABCB instrument** means the *PGPA Act Determination (Establishment of Australian Building Codes Board Special Account 2017)*.

**ABCB account** means the special account *Australian Building Codes Board Special Account 2017*, established by the ABCB instrument.

**building and construction** means the design, construction, renovation, rectification, alteration, extension, or performance of buildings, including plumbing or other service installations.

**Commonwealth company** has the meaning provided in the Act.

**Commonwealth entity** has the meaning provided in the Act.

**date of repeal** means the date on which subclause 11(1) of this instrument takes effect.

**IGA** means the *Australian Building Codes Board Inter-Governmental Agreement 2012*, including any subsequent amendments or additions agreed by the signatories.

**information technology systems** means the development, maintenance and use of computer systems, software and networks for the processing and distribution of data.

**opening balance** means the amount that is required to be credited to the special account under clause 9 of this instrument.

**the former special account** means the special account *Australian Building Codes Board Special Account 2017* established by the *PGPA Act Determination (Establishment of Australian Building Codes Board Special Account 2017)*.

**the special account** means the *ABCB Special Account 2019* established by this instrument.

**WaterMark Certification Scheme** means the national mandatory certification scheme administered by ABCB from 2013, to authorise plumbing and drainage products for use in plumbing and drainage installations.

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## Part 3—Special account credits and debits

### 7 Amounts that may be credited to the special account

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

- (a) an amount received from a government for a purpose of the special account;
- (b) an amount received in the course of the performance of functions that relate to a purpose of the special account;
- (c) an amount received from any person for a purpose of the special account.

### 8 Purposes of the special account

For subsection 78(1)(c) of the Act, the purposes of the special account, in relation to which amounts may be debited from the special account, are:

- (a) to disburse an amount to create, maintain, enhance, and make accessible nationally consistent building and construction codes, standards, regulatory requirements; regulatory systems; model legislative and regulatory provisions; and guidance materials and tools (including but not limited to information technology systems) for building and construction;
- (b) to disburse an amount to develop, promote and disseminate educational and training resources in relation to building and construction, for the building and construction industry, associated stakeholders and the broader community;
- (c) to disburse an amount to research, investigate, consult, implement and administer the delivery of programs and initiatives for a purpose in paragraphs (a) or (b) above, including but not limited to product certification schemes (for example, the WaterMark Certification Scheme);
- (d) to disburse an amount in connection with services performed by the ABCB for or on behalf of governments and other bodies, including Commonwealth entities and Commonwealth companies, for a purpose in paragraphs (a), (b) or (c) above;
- (e) to disburse an amount in connection with joint activities performed by the ABCB for, on behalf of, or together with, a Commonwealth entity, Commonwealth company, government, organisation or person, for a purpose in paragraphs (a), (b) or (c) above;
- (f) to disburse an amount for an activity that is incidental to a purpose in clause 8 of this instrument, including but not limited to:
  - (i) the administration of the special account;
  - (ii) direct and indirect costs;
- (g) to repay an amount where a court order, Act or other law requires or permits the repayment of an amount received;
- (h) to repay to an original payer amounts credited to the special account or to the former special account, after any necessary payments made for a purpose in paragraphs (a), (b) or (c) above; and
- (i) to reduce the balance of the special account (and, therefore, the available appropriation for the special account) without making a real or notional payment.

## Part 4—Transitional and repeal provisions

### 9 Opening balance of the special account

- (1) For subsection 78(1)(b) of the Act, the amount in subclause 9(2) of this instrument (*opening balance*) is required to be credited to the special account on the date of its commencement, in accordance with clause 2 of this instrument.
- (2) The opening balance is equal to the amount standing to the credit of the ABCB account immediately prior to the commencement date in clause 2 of this instrument.

### 10 Repeal of ABCD instrument

For subsection 78(3) of the Act, the ABCB instrument is repealed.

### 11 Additional repeal provisions

- (1) For subsection 78(3) of the Act, Part 4 of this instrument is repealed at the end of the seventh day after the repeal of the ABCB instrument under clause 10 of this instrument (*date of repeal*).
- (2) For subsection 78(3) of the Act, the following definitions in clause 6 of this instrument are repealed on the date of repeal:
  - (a) definition of *date of repeal*;
  - (b) definition of *opening balance*;
  - (c) definition of *ABCB instrument*;
  - (d) definition of *ABCB account*.
- (3) Despite subclause 11(1) of this instrument, the effects of Part 4 of this instrument remain in force after the date of repeal.