

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance and Deregulation

Financial Management and Accountability Act 1997

Determination 2009/28 to abolish 30 Special Accounts

Purposes of Determination 2009/28

The attached instrument makes a determination under subsection 20 (3) of the *Financial Management and Accountability Act 1997* (FMA Act) to abolish 28 Services for other Governments and Non-agency Bodies Special Accounts and 2 Other Trust Moneys Accounts.

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 2009/28

Reasons for abolishing the Special Accounts

Upon commencement of the FMA Act, a Services for other Governments and Non-agency Bodies (SOG) Special Account was established for all FMA Act agencies that existed at the time. A SOG Account allows agencies to hold and expend amounts in connection with services performed on behalf of other Governments and non-FMA Act bodies. However, in practice many agencies have not used this type of Special Account.

After reviewing their SOG Accounts, the agencies specified in Schedule 1 of the Determination have determined that they are not required. The Australian Industrial Registry also determined that its Other Trust Moneys (OTM) Special Account is not required.

After reviewing its SOG Account, the Federal Court of Australia has determined that it is no longer required. This Special Account will be abolished at the time at which its balance reaches zero.

The Office of the Director of Public Prosecutions (the Office) has identified an ongoing need for a SOG or similar Special Account as part of its operations. However, as part of a program to simplify the financial framework, the purposes of separate SOG and OTM Special Accounts are being combined within a single similar purpose Special Account known as a Services for Other Entities and Trust Moneys (SOETM) Special Account. The Office's separate SOG and OTM Accounts are therefore being abolished with effect from the time at which a SOETM Special Account has been established for the Office, and the balance of its SOG and OTM Accounts have reached zero. This will allow the balance of the SOG and OTM Accounts to be transferred to the SOETM Special Account before they are abolished.

Effect of this Determination

The 27 Special Accounts specified in Schedule 1 are abolished by this Determination (Determination 2009/28).

The Special Account specified in Schedule 2 is abolished by the Determination, with effect from the time at which the balance of the appropriation for the Special Account reaches zero.

The Special Accounts specified in Schedule 3 are abolished by this Determination, with effect from the time at which a SOETM Special Account is established for the agency, and the balance of the appropriation for each Special Account in Schedule 3 reaches zero.

Consultation

The following agencies are affected by this instrument: Australian Centre for International Agricultural Research (ACIAR), Australian Crime Commission, Australian Customs and Border Protection Service, Australian Electoral Commission, Australian Human Rights Commission, Australian Industrial Registry, Australian National Audit Office, Australian Public Service Commission, Australian Secret Intelligence Service (ASIS), Australian Securities and Investment Commission (ASIC), Australian Taxation Office, Australian Transaction Reports and Analysis Centre (AUSTRAC), Centrelink, Department of Finance and Deregulation, Department of Immigration and Citizenship, Department of the Senate, Department of Veterans' Affairs, Equal Opportunity for Women in the Workplace Agency, Family Court of Australia, Federal Court of Australia, National Capital Authority, National Competition Council, the Office of National Assessments, the Office of Parliamentary Counsel, the Office of the Director of Public Prosecutions, the Office of the Inspector-General of Intelligence and Security, the Office of the Official Secretary to the Governor-General, and the Productivity Commission. The agencies were provided with drafts of the instrument and agree 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 Special Accounts

	2009-10 (\$'000)			
	Opening Balance	Credits	Debits	Closing Balance
<i>Services for other Governments and Non-agency Bodies Account (ACIAR)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Crime Commission)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Customs and Border Protection Service)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Electoral Commission)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Human Rights Commission)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Industrial Registry)</i>	0	0	0	0
<i>Other Trust Moneys Account (Australian Industrial Registry)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian National Audit Office)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Public Service Commission)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (ASIS)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (ASIC)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Australian Taxation Office)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (AUSTRAC)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Centrelink)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Department of Finance and Deregulation)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Department of Immigration and Citizenship)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Department of the Senate)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Department of Veterans' Affairs)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Equal Opportunity for Women in the Workplace Agency)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Family Court of Australia)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Federal Court of Australia)</i>	10	0	10	0
<i>Services for other Governments and Non-agency Bodies Account (National Capital Authority)</i>	0	0	0	0

<i>Services for other Governments and Non-agency Bodies Account (National Competition Council)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Office of National Assessments)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Office of Parliamentary Counsel)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Office of the Director of Public Prosecutions)</i>	0	0	0	0
<i>Other Trust Moneys Account (Office of the Director of Public Prosecutions)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Office of the Inspector-General of Intelligence and Security)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Office of the Official Secretary to the Governor-General)</i>	0	0	0	0
<i>Services for other Governments and Non-agency Bodies Account (Productivity Commission)</i>	0	0	0	0