



## **PGPA Act Determination (Establishment of NMF Blood and Blood Products Special Account 2017)**

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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 NMF Blood and Blood Products 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 2004/16 — National Managed Fund (Blood and Blood Products) Special Account Establishment 2004*, as in force immediately before the commencement of this section.

**former special account** means the *National Managed Fund (Blood and Blood Products) 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 *NMF Blood and Blood Products 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 *NMF Blood and Blood Products 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 connection with the activities of the Australian Red Cross Society in relation to blood or blood products, or substitutes for blood or blood products (whether directly with the Australian Red Cross Society, or with a relevant third party), to make a payment:
  - (i) to meet liabilities of the Australian Red Cross Society;
  - (ii) to manage, defend, settle or otherwise deal with claims against the Australian Red Cross Society;
  - (iii) to manage risks to reduce the incidence or size of potential liabilities or claims against the Australian Red Cross Society;
- (b) to make a payment (including a notional payment) to the Commonwealth, a State, a Territory or the Australian Red Cross Society in proportions which are to be agreed by the parties;
- (c) to repay to an original payer amounts credited to the special account or to the former special account, after any necessary payments made for the purposes mentioned in paragraphs (a) or (b);
- (d) to carry out activities that are incidental to a purpose mentioned in paragraphs (a) or (b) including, but not limited to:
  - (i) the administration of the special account; and
  - (ii) dealing with direct and indirect costs;
- (e) to reduce the balance of the special account (and, therefore, the available appropriation for the special account) without making a real or notional payment, including to give effect to the remittance of amounts to the Official Public Account as agreed between the Finance Minister and the responsible minister;
- (f) to repay amounts where an Act or other law requires or permits the repayment of an amount received.

## Part 3—Transitional provisions

### 8 Amendment of the former special account

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

Insert in subsection 5(1):

(e) to credit amounts to the *NMF Blood and Blood Products 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 General Manager of the National Blood Authority.