



PGPA Act Determination (Comcover Special Account 2018)

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

Dated 20 / 11 / 2018

MATHIAS HUBERT PAUL CORMANN
Minister for Finance and the Public Service

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Part 1—Establishment

1 Name

This instrument is the *PGPA Act Determination (Comcover 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 subsections 78(1) and 78(3) of the Act.

4 Definitions

In this instrument:

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

Comcover means the Commonwealth's self-managed insurance fund.

Comcover account means the *Comcover Special Account*, which was established by the Comcover instrument.

Comcover instrument means the *Financial Management and Accountability Determination 2009/05 — Comcover Special Account Establishment 2009*.

Comcover Insurance Policy means a policy of insurance issued by Comcover.

Commonwealth company has the same meaning as in subsection 89(1) of the Act.

Commonwealth entity has the same meaning as in section 10 of the Act.

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

General Government Sector entity means a Commonwealth entity, Commonwealth company, or the High Court of Australia, that is classified as being within the General Government Sector, as determined by the Australian Bureau of Statistics in accordance with the Standard Institutional Sector Classification of Australia.

insured Commonwealth entity means a General Government Sector entity that holds a Comcover Insurance Policy.

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

the special account means the *Comcover Special Account 2018* established by this determination.

the superannuation legislation means any or all of the following:

- (a) *Superannuation Act 1922*;
- (b) *Superannuation Act 1976*;
- (c) *Superannuation Act 1990*.

uninsured superannuation liability claim means a claim (whether based in tort or otherwise) that:

- (a) is against an insured Commonwealth entity;
- (b) relates to the claimant's eligibility to participate in any of the superannuation schemes established under the superannuation legislation; and
- (c) accrued before the insured Commonwealth entity began to hold a Comcover Insurance Policy.

5 Establishment of the special account

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

6 Accountable authority responsible for the special account

For paragraph 78(1)(d) of the Act, the accountable authority responsible for the special account is the Secretary of the department that administers Comcover.

Part 2—Special account credits and debits

7 Amounts that may be credited to the special account

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

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

8 Purposes of the special account

For paragraph 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 the following:

- (a) to promote risk management to insured Commonwealth entities;
- (b) to administer the Commonwealth's self-managed general insurance function;
- (c) to make payments in respect of any liability claim made against an insured Commonwealth entity, including settlement payments;
- (d) to make payments in respect of any uninsured superannuation liability claims against an insured Commonwealth entity;
- (e) to make payments incidental to a purpose described in paragraph (a), (b), (c) or (d) above, including for costs associated with administering the special account;
- (f) to repay amounts received from an insured Commonwealth entity credited to the special account and residual after any payments have been made for a purpose described in paragraph (a), (b), (c), (d) or (e) above;
- (g) to repay an amount where a court order, Act or other law requires or permits the repayment of an amount received;
- (h) 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 3—Transitional and repeal provisions

9 Opening balance of the special account

- (1) For paragraph 78(1)(b) of the Act, the amount in subsection 9(2) of this instrument (*opening balance*) is required to be credited to the special account on the date of its establishment.
- (2) The opening balance is equal to the amount standing to the credit of the Comcover account immediately prior to the repeal of the Comcover instrument.

10 Repeal of the Comcover instrument

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

11 Additional repeal provisions

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