



## **PGPA Act Determination (DFAT SOETM Special Account 2019)**

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

Dated 7 / 8 / 2019

MATHIAS HUBERT PAUL CORMANN  
Minister for Finance

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## Part 1—Establishment

### 1 Name

This instrument is the *PGPA Act Determination (DFAT SOETM 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 Definitions

In this instrument:

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

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

*DFAT* means the Department of Foreign Affairs and Trade.

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

*SOETM* means Services for Other Entities and Trust Moneys.

*SOETM special account* means the *Services for Other Entities and Trust Moneys – Foreign Affairs and Trade Special Account* established by the SOETM instrument.

*SOETM instrument* means the *Financial Management and Accountability Determination 2009/25 – Services for Other Entities and Trust Moneys – Foreign Affairs and Trade Special Account Establishment 2009*.

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

## 5 Establishment of the special account

For subsection 78(1)(a) of the Act, the *DFAT SOETM Special Account 2019* 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 DFAT.

# 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, the following amounts may be credited to the special account:

- (a) an amount held on trust, or otherwise on behalf of or for the benefit of a person other than the Commonwealth;
- (b) an amount received in the course of the performance of functions that relate to one or more purposes of the special account;
- (c) an amount received from any person for one or more purposes 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 held on trust or otherwise for the benefit of a person other than the Commonwealth;
- (b) to disburse an amount in connection with services performed for or on behalf of other governments and bodies, including Commonwealth entities;
- (c) to disburse an amount in connection with joint activities performed for, on behalf of, or together with, another Commonwealth entity, Commonwealth company, another government, organisation or person;
- (d) to disburse an amount in connection with an agreement between the Commonwealth and another government;
- (e) to repay an amount where a court order, Act or other law requires or permits the repayment of an amount received; and
- (f) 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 subsection 78(1)(b) of the Act, the amount in subsection 9(2) (*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 SOETM special account immediately prior to the commencement date in section 2 of this instrument.

### 10 Repeal of SOETM instrument

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