

PGPA Act Determination (Recovery of Compensation for Health Care and Other Services Special Account 2025)

I, KATY GALLAGHER, Minister for Finance, make the following determination.

Dated 19 July 2025

KATY GALLAGHER

Minister for Finance

Contents

Part 1—Establishment 1

1 Name 1

2 Commencement 1

3 Authority 1

4 Definitions 1

5 Establishment of the special account 2

6 Accountable authority responsible for the special account 2

Part 2—Special account credits and debits 2

7 Amounts that may be credited to the special account 2

8 Purposes of the special account 2

Part 3—Transitional, revocation and repeal provisions 3

9 Opening balance of the special account 3

10 Revocation of RCHCOS Special Account 2015 3

11 Additional repeal provisions 3

Part 1—Establishment

1 Name

 This instrument is the *PGPA Act Determination (Recovery of Compensation for Health Care and Other Services Special Account 2025)*.

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 later of the day mentioned in paragraph 79(5)(a) of the PGPA Act or 22 September 2025.  |  |

 (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 PGPA Act.

4 Definitions

 In this instrument:

***Chief Executive Medicare*** has the meaning given by the HOSC Act.

***claimant*** has the meaning given by the HOSC Act.

***compensable person*** has the meaning given by the HOSC Act.

***HOSC Act*** mean the *Health and Other Services (Compensation) Act 1995.*

***person*** has the meaning given by the *Acts Interpretation Act 1901* and also includes a compensable person*.*

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

***RCHCOS Instrument*** means the *PGPA Act (Recovery of Compensation for Health Care and Other Services Special Account—Establishment) Determination 2015/06*.

***RCHCOS Special Account 2015*** means the Recovery of Compensation for Health Care and Other Services Special Account 2015 established by the RCHCOS Instrument.

***the special account*** means the Recovery of Compensation for Health Care and Other Services Special Account 2025established by this instrument.

5 Establishment of the special account

 For paragraph 78(1)(a) of the PGPAAct,theRecovery of Compensation for Health Care and Other Services Special Account 2025is established as a special account.

6 Accountable authority responsible for the special account

 For paragraph 78(1)(d) of the PGPA Act, the accountable authority responsible for the special account is the Chief Executive Officer of Services Australia.

Part 2—Special account credits and debits

7 Amounts that may be credited to the special account

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

1. amounts received following a judgment or settlement made in relation to a claimant under the HOSC Act; and
2. amounts received from any person for the purposes of the special account.

8 Purposes of the special account

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

1. to pay a person an amount consistent with the HOSC Act;
2. to pay an amount to a Commonwealth entity in relation to a benefit, subsidy or scheme related to the HOSC Act;
3. to reduce the balance of the special account (and, therefore, the available appropriation for the special account) without making a real or notional payment;
4. to repay amounts where a court order, Act or other law requires or permits the repayment of an amount received.

Part 3—Transitional, revocation and repeal provisions

9 Opening balance of the special account

1. For paragraph 78(1)(b) of the PGPA Act, the amount in subsection 9(2) (***opening balance***) is required to be credited to the special account immediately after its establishment.
2. The opening balance is equal to the amount standing to the credit of the RCHCOS Special Account 2015immediately prior to the commencement of this instrument.

10 Revocation of RCHCOS Instrument

 For subsection 78(3) of the PGPA Act, the RCHCOS Instrumentis revoked.

11 Additional repeal provisions

1. For subsection 78(3) of the PGPA Act, Part 3 of this instrument is repealed at the end of the seventh day after the revocation of the RCHCOS Instrument under section 10 (***date of repeal***).
2. For subsection 78(3) of the PGPA Act, the following definitions in section 4 are repealed on the date of repeal:
3. definition of RCHCOS Instrument;
4. definition of RCHCOS Special Account 2015.
5. Despite subsection 11(1), the effects of Part 3 of this instrument remain in force after the date of repeal.