



PGPA Act (Growth Fund Skills and Training Special Account 2015—Establishment) Determination 2015/04

Public Governance, Performance and Accountability Act 2013

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

MATHIAS HUBERT PAUL CORMANN
Minister for Finance

Dated: 15 July 2015

1 Name of determination

This determination is the *PGPA Act (Growth Fund Skills and Training Special Account 2015—Establishment) Determination 2015/04*.

Note 1 All special account determinations and compilations are registered on the Federal Register of Legislative Instruments (FRLI) kept under the *Legislative Instruments Act 2003*. See <http://www.comlaw.gov.au>

Note 2 The Determination is subject to Part 6 (sunsetting) of the *Legislative Instruments Act 2003*. The sunsetting provisions mean that this special account will be repealed on the earlier of 1 April or 1 October falling on or after the tenth anniversary of registration.

2 Commencement and effect

- (a) This determination takes effect in accordance with paragraph 79(5)(a) of the PGPA Act.
- (b) This determination stops having effect at the end of 30 June 2020.

3 Legislative authority

This determination is made under subsection 78(1) of the PGPA Act.

4 Definitions

In this determination:

accountable authority has the same meaning as in the PGPA Act.

Australian automotive industry means the industry involved with the manufacture of automobiles and includes the suppliers of materials, parts and services to that industry.

Commonwealth entity has the same meaning as in the PGPA Act.

former worker means an Australian who ceased employment in the Australian automotive industry on or after 11 December 2013.

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

special account has the same meaning as in the PGPA Act.

5 Establishment

For paragraph 78(1)(a) of the PGPA Act, a special account is established with the name *Growth Fund Skills and Training Special Account 2015* (the special account).

6 Accountable authority

For paragraph 78(1)(d) of the PGPA Act, the accountable authority responsible for the special account is the Secretary of the Department of Education and Training.

7 Amounts to be credited

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

- (a) amounts received from manufacturers in the Australian automotive industry for the purposes of the special account;
- (b) amounts received from other governments or persons that are not Commonwealth entities, for the purposes of the special account; and
- (c) amounts appropriated by the Parliament for the purposes of the special account.

Note 1 An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

Note 2 Where an amount equal to an amount debited from the special account is repaid to the Commonwealth, the amount may be credited to the special account under paragraph 74(1)(b) of the PGPA Act and subsection 27(5) of the *Public Governance, Performance and Accountability Rule 2014*.

8 Purposes for which amounts are allowed to be debited

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

- (a) paying amounts to enable Australian workers and former workers in the Australian automotive industry to obtain career advice, education, training and re-skilling support to exit the industry and obtain new forms of employment;
- (b) meeting the expenses of administering the special account; and
- (c) to reduce the balance of the special account (and therefore, the available appropriation) without making a real or notional payment.

Note 1 Subsection 78(4) of the PGPA Act appropriates the Consolidated Revenue Fund for payments made with amounts debited from the special account. Subsection 78(6) of the PGPA Act provides that whenever an amount is debited against the appropriation, the amount is taken to be also debited from the special account.

Note 2 An amount may be debited from the special account where:

- (a) it has been incorrectly credited by virtue of a clerical mistake; or

- (b) it has been credited through the exercise of a discretion by an official and the exercise of that discretion was actuated by a fundamental mistake of fact or law. Legal advice should be obtained before an amount is debited on this basis.

Note 3 Activity to be funded under clause 8(a) will involve compliance with Australia's international obligations, including obligations arising under conventions of the International Labour Organisation to which Australia is a party.

Note 4 The purpose of clause 8(b) above is to allow for the balance of the special account to be debited for the administration of the special account, and for the dealing with direct and indirect costs.

Note 5 The purpose of clause 8(c) above is to allow for the balance of the special account to be reduced. When the special account is debited for this purpose, there is no payment or credit available to another party, account or appropriation.