



COAG Reform Fund Act 2008

No. 156, 2008

Compilation No. 6

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Includes amendments up to:	Act No. 102, 2015
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *COAG Reform Fund Act 2008* that shows the text of the law as amended and in force on 30 June 2015 (the **compilation date**).

This compilation was prepared on 6 July 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish the COAG Reform Fund, and for other purposes

Part 1—Preliminary

1 Short title

This Act may be cited as the *COAG Reform Fund Act 2008*.

2 Commencement

This Act commences on 1 January 2009.

3 Simplified outline

The following is a simplified outline of this Act:

- This Act establishes the COAG Reform Fund.
- The purpose of the COAG Reform Fund is the making of grants of financial assistance to the States and Territories.
- The terms and conditions on which financial assistance is granted are to be set out in a written agreement between the Commonwealth and the State or Territory.

4 Crown to be bound

This Act binds the Crown in each of its capacities.

Part 2—COAG Reform Fund

5 Establishment of the COAG Reform Fund

- (1) The COAG Reform Fund is established by this section.
- (2) The COAG Reform Fund is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

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: An amount originating in the Building Australia Fund, the Education Investment Fund or the Health and Hospitals Fund may be transferred to the COAG Reform Fund—see the *Nation-building Funds Act 2008*.

Note 2A: An amount originating in the DisabilityCare Australia Fund may be transferred to the COAG Reform Fund—see the *DisabilityCare Australia Fund Act 2013*.

Note 3: An amount may be credited to the COAG Reform Fund under section 9 or 16 of the *Federal Financial Relations Act 2009*.

Note 4: An amount may be credited to the COAG Reform Fund under section 23 of the *Interstate Road Transport Act 1985*.

Note 5: An amount may be credited to the COAG Reform Fund under section 75 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Note 6: An amount may be credited to the COAG Reform Fund under section 8 of the *Social and Community Services Pay Equity Special Account Act 2012*.

Note 7: An amount may be credited to the COAG Reform Fund under section 10 of the *Fuel Indexation (Road Funding) Special Account Act 2015*.

6 Purpose of the COAG Reform Fund

The purpose of the COAG Reform Fund is the making of grants of financial assistance to the States and Territories.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Part 3—Terms and conditions of grants

7 Terms and conditions of grants

Scope

- (1) This section applies if:
- (a) an amount is to be debited from the COAG Reform Fund for the purpose of making a grant of financial assistance to a State or Territory; and
 - (b) the grant is not covered by any of the following provisions of the *Nation-building Funds Act 2008*:
 - (i) subsection 92(2);
 - (ii) subsection 97(2);
 - (iii) subsection 102(2);
 - (iv) subsection 107(2);
 - (v) subsection 197(2);
 - (vi) subsection 265(2); and
 - (ba) the grant is not covered by subsection 21(2) of the *DisabilityCare Australia Fund Act 2013*; and
 - (c) the grant is not covered by subsection 23(2) of the *Interstate Road Transport Act 1985*; and
 - (d) the grant is not covered by section 75 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Terms and conditions

- (2) The terms and conditions on which that financial assistance is granted are to be set out in a written agreement between the Commonwealth and the State or Territory.
- (3) An agreement under subsection (2) may be entered into by a Minister on behalf of the Commonwealth.

Note 1: The provisions referred to in paragraph (1)(b) deal with the channelling of State/Territory grants payments through the COAG

Reform Fund. Those grants are made out of money originating in the Building Australia Fund, the Education Investment Fund or the Health and Hospitals Fund. For terms and conditions of those grants, see the *Nation-building Funds Act 2008*.

- Note 1A: The provision referred to in paragraph (1)(ba) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the DisabilityCare Australia Fund established by the *DisabilityCare Australia Fund Act 2013*. For terms and conditions of those grants, see the *DisabilityCare Australia Fund Act 2013*.
- Note 2: The provision referred to in paragraph (1)(c) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the Interstate Road Transport Account continued in existence by subsection 21(1) of the *Interstate Road Transport Act 1985*. For terms and conditions of those grants, see the *Interstate Road Transport Act 1985*.
- Note 3: The provision referred to in paragraph (1)(d) deals with the channelling, through the COAG Reform Fund, of certain payments to Western Australia under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

8 Delegation by a Minister

- (1) A Minister may, by writing, delegate any or all of his or her powers under section 7 to:
- (a) the Secretary of a Department; or
 - (b) an SES employee, or acting SES employee, in a Department.

Note: The expressions **SES employee** and **acting SES employee** are defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) In exercising powers under a delegation, the delegate must comply with any directions of the Minister concerned.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

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A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
COAG Reform Fund Act 2008	156, 2008	18 Dec 2008	1 Jan 2009 (s 2)	
Federal Financial Relations (Consequential Amendments and Transitional Provisions) Act 2009	12, 2009	26 Mar 2009	Sch 2 (items 1–4): 1 Apr 2009 (s 2(1) item 3)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (item 370) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 12)	Sch 3 (items 10, 11)
Social and Community Services Pay Equity Special Account (Consequential Amendments) Act 2012	151, 2012	8 Nov 2012	Sch 1: 8 Nov 2012 (s 2(1) item 2) Remainder: 8 Nov 2012 (s 2(1) item 1)	—
DisabilityCare Australia Fund (Consequential Amendments) Act 2013	86, 2013	28 June 2013	Sch 1 (items 1–3): 1 July 2014 (s 2(1) item 2)	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 8 (items 45–47) and Sch 14 (items 1–4): 1 July 2014 (s 2(1) items 6, 14)	Sch 14 (items 1–4)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (item 7) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
Fuel Indexation (Road Funding) Act 2015	102, 2015	30 June 2015	Sch 1 (item 1): 30 June 2015 (s 2(1) item 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 2	
s 5	am No 12, 2009; No 151, 2012; No 86, 2013; No 62, 2014; No 102, 2015
Part 3	
s 7	am No 12, 2009; No 86, 2013
s 8	am No 46, 2011