



COAG Reform Fund Act 2008

No. 156, 2008

Compilation No. 13

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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 1 March 2023 (the **compilation date**).

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 the Legislation Register (www.legislation.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 the Legislation Register 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.

Editorial changes

For more information about any editorial changes made in this compilation, see 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 the Legislation Register 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 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 2AA: An amount originating in the Medical Research Future Fund may be transferred to the COAG Reform Fund—see the *Medical Research Future Fund Act 2015*.

Note 2AB: An amount originating in the Future Drought Fund may be transferred to the COAG Reform Fund—see the *Future Drought Fund Act 2019*.

Note 2AC: An amount originating in the Disaster Ready Fund may be transferred to the COAG Reform Fund—see the *Disaster Ready Fund Act 2019*.

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 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 5A: An amount originating in the Confiscated Assets Account may be transferred to the COAG Reform Fund—see the *Proceeds of Crime Act 2002*.

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*.

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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
 - (ba) the grant is not covered by subsection 21(2) of the *DisabilityCare Australia Fund Act 2013*; and
 - (baa) the grant is not covered by subsection 21(1) of the *Medical Research Future Fund Act 2015*; and
 - (bab) the grant is not covered by section 36AB of the *Future Drought Fund Act 2019*; and
 - (bac) the grant is not covered by section 33 of the *Disaster Ready Fund Act 2019*; and
 - (d) the grant is not covered by section 75 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
 - (e) the grant is not covered by section 298F of the *Proceeds of Crime Act 2002*.

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 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

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conditions of those grants, see the *DisabilityCare Australia Fund Act 2013*.

Note 1AA: The provision referred to in paragraph (1)(baa) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the Medical Research Future Fund established by the *Medical Research Future Fund Act 2015*. For terms and conditions of those grants, see the *Medical Research Future Fund Act 2015*.

Note 1AB: The provision referred to in paragraph (1)(bab) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the Future Drought Fund established by the *Future Drought Fund Act 2019*. For terms and conditions of those grants, see the *Future Drought Fund Act 2019*.

Note 1AC: The provision referred to in paragraph (1)(bac) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the Disaster Ready Fund referred to in the *Disaster Ready Fund Act 2019*. For terms and conditions of those grants, see the *Disaster Ready Fund Act 2019*.

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*.

Note 4: The provision referred to in paragraph (1)(e) deals with the channelling, through the COAG Reform Fund, of State/Territory grants payments from the Confiscated Assets Account established by the *Proceeds of Crime Act 2002*. For terms and conditions of those grants, see the *Proceeds of Crime Act 2002*.

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

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.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be

Endnote 1—About the endnotes

incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

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

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: 1 July 2014 (s 2(1) items 6, 14)	Sch 14

Endnotes

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 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Fuel Indexation (Road Funding) Act 2015	102, 2015	30 June 2015	Sch 1 (item 1): 30 June 2015 (s 2(1) item 2)	—
Medical Research Future Fund (Consequential Amendments) Act 2015	117, 2015	26 Aug 2015	Sch 1 (items 1–3): 27 Aug 2015 (s 2(1) item 2) Sch 2 (items 1–4): 29 Oct 2015 (s 2(1) item 3)	—
Interstate Road Transport Legislation (Repeal) Act 2018	35, 2018	22 May 2018	Sch 2 (items 3–5, 9, 12): 1 July 2019 (s 2(1) item 3)	Sch 2 (items 9, 12)
Future Drought Fund (Consequential Amendments) Act 2019	56, 2019	30 July 2019	Sch 1 (items 4–6) and Sch 2 (items 4–7, 41–43): 1 Sept 2019 (s 2(1) item 2)	Sch 2 (items 41–43)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Emergency Response Fund (Consequential Amendments) Act 2019	91, 2019	28 Oct 2019	Sch 1 (items 4–6) and Sch 2 (items 5, 6, 43– 45): 12 Dec 2019 (s 2(1) item 1)	Sch 2 (items 43– 45)
Crimes Legislation Amendment (Economic Disruption) Act 2021	3, 2021	16 Feb 2021	Sch 7 (items 1–3): 17 Feb 2021 (s 2(1) item 5)	—
Emergency Response Fund Amendment (Disaster Ready Fund) Act 2022	65, 2022	29 Nov 2022	Sch 1 (items 159–163): 1 Mar 2023 (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; No 117, 2015; No 35, 2018; No 56, 2019; No 91, 2019; No 3, 2021; No 65, 2022
s 6	am No 62, 2014
Part 3	
s 7	am No 12, 2009; No 86, 2013; No 117, 2015; No 35, 2018; No 56, 2019; No 91, 2019; No 3, 2021; No 65, 2022
s 8	am No 46, 2011