



COAG Reform Fund Act 2008

No. 156, 2008

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 156, 2008

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

[Assented to 18 December 2008]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

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

Part 1 Preliminary

Section 2

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 *Financial Management and Accountability Act 1997*.

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*.

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 21 of the *Financial Management and Accountability Act 1997* (debits from 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).

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: 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*.

8 Delegation by a Minister

- (1) A Minister may, by writing, delegate any or all of his or her powers under section 7 to:
-

Section 8

- (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 17AA of the *Acts Interpretation Act 1901*.

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

*[Minister's second reading speech made in—
House of Representatives on 23 October 2008
Senate on 3 December 2008]*

(210/08)
