

2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

COAG Reform Fund Bill 2008

No. , 2008

(Treasury)

**A Bill for an Act to establish the COAG Reform
Fund, and for other purposes**

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1 **A Bill for an Act to establish the COAG Reform**
2 **Fund, and for other purposes**

3 The Parliament of Australia enacts:

4 **Part 1—Preliminary**
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6 **1 Short title**

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

8 **2 Commencement**

9 This Act commences on 1 January 2009.

Section 3

1 **3 Simplified outline**

2 The following is a simplified outline of this Act:

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- 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.

9 **4 Crown to be bound**

10 This Act binds the Crown in each of its capacities.

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Part 2—COAG Reform Fund

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5 Establishment of the COAG Reform Fund

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(1) The COAG Reform Fund is established by this section.

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(2) The COAG Reform Fund is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

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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.

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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*.

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6 Purpose of the COAG Reform Fund

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

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Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

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Section 7

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Part 3—Terms and conditions of grants

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7 Terms and conditions of grants

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Scope

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(1) This section applies if:

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(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

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(b) the grant is not covered by any of the following provisions of the *Nation-building Funds Act 2008*:

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(i) subsection 72(2);

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(ii) subsection 77(2);

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(iii) subsection 163(2);

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(iv) subsection 231(2).

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Terms and conditions

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(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.

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(3) An agreement under subsection (2) may be entered into by a Minister on behalf of the Commonwealth.

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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*.

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8 Delegation by a Minister

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

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(a) the Secretary of a Department; or

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(b) an SES employee, or acting SES employee, in a Department.

Section 8

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Note: The expressions *SES employee* and *acting SES employee* are defined in section 17AA of the *Acts Interpretation Act 1901*.

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