



Alcohol Education and Rehabilitation Account Act 2001

Act No. 103 of 2001 as amended

[Note: This Act was repealed by Act No. 73 of 2008 on 3 July 2008]

This compilation was prepared on 1 March 2005
taking into account amendments up to Act No. 8 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to establish the Alcohol Education and Rehabilitation Account, and for related purposes

Part 1—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Alcohol Education and Rehabilitation Account Act 2001*.

2 Commencement [see Note 1]

This Act commences on the day on which it receives the Royal Assent.

3 Object of this Act

The object of this Act is to establish the Alcohol Education and Rehabilitation Account to provide, by 1 July 2005, at least \$115 million to the Foundation, or one or more replacement bodies, to be expended on one or more of the following purposes:

- (a) to prevent alcohol and other licit substance abuse, including petrol sniffing, particularly among vulnerable population groups such as indigenous Australians and youth;
- (b) to support evidence-based alcohol and other licit substance abuse treatment, rehabilitation, research and prevention programs;
- (c) to promote community education encouraging responsible consumption of alcohol and highlighting the dangers of licit substance abuse;
- (d) to promote public awareness of the work of the Foundation or body and raise funds from the private sector for the ongoing work of the Foundation or body;
- (e) to provide funding grants to organisations with appropriate community linkages to deliver the services referred to in the above paragraphs.

4 Definitions

In this Act, unless the contrary intention appears:

Account means the Alcohol Education and Rehabilitation Account established under section 5.

Foundation means the Alcohol Education and Rehabilitation Foundation Limited or the Alcohol Education and Rehabilitation Foundation.

funding agreement means an agreement made under section 9 or 12.

replacement body means a body in relation to which a determination under subsection 11(1) is in force.

Part 2—The Alcohol Education and Rehabilitation Account

5 Establishment of the Account

- (1) There is hereby established the Alcohol Education and Rehabilitation Account.
- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

6 Credits to the Account

- (1) There must be credited to the Account:
 - (a) \$10 million on the day on which this Act receives the Royal Assent; and
 - (b) \$24 million on 1 July 2002; and
 - (c) \$40 million on 1 July 2003; and
 - (d) \$41 million on 1 July 2004; and
 - (e) an amount that the Foundation or a replacement body repays to the Commonwealth under a funding agreement.

Interest on uninvested money

- (2) There must be credited to the Account by 1 July 2004 an interest amount in respect of each of the financial years commencing on 1 July 2001, 2002 and 2003.
- (3) The interest amount for a financial year is worked out using the formula:

$$\left[\$115 \text{ million} - \text{Sum of amounts credited} \right] \times \text{Fixed-income percentage}$$

where:

fixed-income percentage, for a financial year, is:

- (a) the percentage equal to the rate of interest earned by the Commonwealth, as at the end of the financial year, on deposits held with the Reserve Bank of Australia; or

Section 7

- (b) if the Minister for Finance, by written instrument made within 28 days after the end of the financial year, determines a higher percentage—that higher percentage.

sum of amounts credited, for a financial year, means the sum of all amounts credited to the Account in that financial year or an earlier financial year.

7 Purpose of the Account

The purpose of the Account is to make payments in accordance with a funding agreement.

8 Amounts standing to the credit of Account to be paid out before 1 July 2005

- (1) Amounts standing to the credit of the Account must be paid out under one or more funding agreements before 1 July 2005.
- (2) A reference in this section to amounts being paid out of the Account is a reference to an amount being paid out of the Consolidated Revenue Fund and debited from the Account.

Part 3—Funding agreements

9 Funding agreement with the Foundation

The Minister may, on behalf of the Commonwealth, make an agreement with the Foundation authorising the making of one or more payments to the Foundation.

10 Determination to terminate agreement with Foundation

- (1) The Minister may determine in writing that an agreement with the Foundation under section 9 is terminated if:
 - (a) the objectives of the Foundation are inconsistent with any of the purposes referred to in section 3; or
 - (b) the Foundation fails to comply with a condition of the agreement.
- (2) A determination of the Minister under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

11 Replacement bodies

- (1) If a determination under section 10 is in force, then the Minister may determine in writing that one or more specified bodies is a replacement body.
- (2) The Minister must not make a determination under subsection (1) in relation to a body if the objectives of the body are inconsistent with one or more of the purposes referred to in section 3.
- (3) A determination of the Minister under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

12 Funding agreement with a replacement body

The Minister may, on behalf of the Commonwealth, make an agreement with a replacement body authorising the making of one or more payments to the body.

Section 13

13 Determination to terminate agreement with replacement body

- (1) The Minister may determine in writing that an agreement with a replacement body under section 12 is terminated if:
 - (a) the objectives of the body are inconsistent with any of the purposes referred to in section 3; or
 - (b) the body fails to comply with a condition of the agreement.
- (2) A determination of the Minister under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

14 Tabling of the funding agreements etc.

The Minister must cause a copy of each funding agreement, and any variation to the agreement, to be tabled in each House of the Parliament within 15 sitting days of that House after it is entered into.

Table of Acts**Notes to the *Alcohol Education and Rehabilitation Account Act 2001*****Note 1**

The *Alcohol Education and Rehabilitation Account Act 2001* as shown in this compilation comprises Act No. 103, 2001 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Alcohol Education and Rehabilitation Account Act 2001</i>	103, 2001	4 Sept 2001	4 Sept 2001	
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 76, 77, 496): Royal Assent	S. 4 and Sch. 1 (item 496)

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 2	
Heading to s. 8	am. No. 8, 2005
S. 8	am. No. 8, 2005

Table A

Table A

Application, saving or transitional provisions

Financial Framework Legislation Amendment Act 2005 (No. 8, 2005)

4 Saving of matters in Part 2 of Schedule 1

(1) If:

- (a) a decision or action is taken or another thing is made, given or done; and
- (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;

then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

(2) In this section:

Part 2 Act means an Act that is amended by an item in Part 2 of Schedule 1.

Schedule 1

496 Saving provision—Finance Minister’s determinations

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.