



# **DisabilityCare Australia Fund (Consequential Amendments) Act 2013**

**No. 86, 2013**

**An Act to deal with consequential matters arising  
from the enactment of the *DisabilityCare Australia  
Fund Act 2013*, and for related purposes**

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



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**An Act to deal with consequential matters arising  
from the enactment of the *DisabilityCare Australia  
Fund Act 2013*, and for related purposes**

[Assented to 28 June 2013]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *DisabilityCare Australia Fund  
(Consequential Amendments) Act 2013*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 June 2013
2. Schedule 1	The later of: (a) 1 July 2014; and (b) the commencement of Schedule 1 to the <i>Medicare Levy Amendment (DisabilityCare Australia) Act 2013</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2014 (paragraph (a) applies)

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *COAG Reform Fund Act 2008*

#### **1 Subsection 5(2) (after note 2)**

Insert:

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*.

#### **2 After paragraph 7(1)(b)**

Insert:

(ba) the grant is not covered by subsection 21(2) of the *DisabilityCare Australia Fund Act 2013*; and

#### **3 Subsection 7(3) (after note 1)**

Insert:

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*.

### *Future Fund Act 2006*

#### **4 Section 4 (note)**

After “*Nation-building Funds Act 2008*”, insert “and the *DisabilityCare Australia Fund Act 2013*”.

#### **5 Section 5**

Insert:

***DisabilityCare Australia Fund*** means the DisabilityCare Australia Fund established by section 10 of the *DisabilityCare Australia Fund Act 2013*.

#### **6 Section 5**

Insert:

*DisabilityCare Australia Fund Special Account* means the DisabilityCare Australia Fund Special Account established by section 11 of the *DisabilityCare Australia Fund Act 2013*.

**7 Section 5**

Insert:

*National Disability Insurance Minister* means the Minister who administers the *National Disability Insurance Scheme Act 2013*.

**8 Section 13 (note 2A)**

Omit “and the Health and Hospitals Fund”, substitute “the Health and Hospitals Fund and the DisabilityCare Australia Fund”.

**9 Subsection 28(5)**

Omit “Neither”, substitute “None”.

**10 After paragraph 28(5)(b)**

Insert:

(ba) the *DisabilityCare Australia Fund Act 2013*;

**11 Subsection 28(5)**

Omit “prevents”, substitute “prevent”.

**12 At the end of subsection 28(5)**

Add:

; (g) subsection 39(1) of the *DisabilityCare Australia Fund Act 2013*.

**13 Section 33 (note)**

After “the *Nation-building Funds Act 2008*”, insert “and the *DisabilityCare Australia Fund Act 2013*”.

**14 At the end of paragraph 35(b)**

Add:

or (iii) the *DisabilityCare Australia Fund Act 2013*;

**15 Subsection 55(3)**

Repeal the subsection, substitute:



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- (3) Subsections (1) and (2) do not apply to the operations of the Board under:
- (a) the *Nation-building Funds Act 2008*; and
  - (b) the *DisabilityCare Australia Fund Act 2013*.

**16 At the end of paragraph 63(1)(b)**

Add “or”.

**17 After paragraph 63(1)(b)**

Insert:

- (c) the *DisabilityCare Australia Fund Act 2013*;

**18 After paragraph 63(2)(aa)**

Insert:

- (ab) the *DisabilityCare Australia Fund Act 2013*; or

**19 After subsection 81(1C)**

Insert:

*DisabilityCare Australia Fund*

- (1D) A report under subsection (1) for a financial year must include a report of:
- (a) the performance of the investments of the DisabilityCare Australia Fund; and
  - (b) the total amount debited from the DisabilityCare Australia Fund Special Account for the purpose mentioned in paragraph 15(d) of the *DisabilityCare Australia Fund Act 2013*; and
  - (c) the total amount debited from the DisabilityCare Australia Fund Special Account for the purpose mentioned in paragraph 16(d) of the *DisabilityCare Australia Fund Act 2013*; and
  - (d) the total amount debited from the DisabilityCare Australia Fund Special Account for the purpose mentioned in paragraph 16(e) of the *DisabilityCare Australia Fund Act 2013*; and
  - (e) the total amount debited from the DisabilityCare Australia Fund Special Account for the purpose mentioned in

paragraph 16(f) of the *DisabilityCare Australia Fund Act 2013*;

during the financial year.

**20 After subsection 81(2C)**

Insert:

(2D) A report under this section must include a benchmark in relation to the amounts referred to in paragraphs (1D)(b) to (e).

**21 After paragraph 81(4)(e)**

Insert:

(ea) the National Disability Insurance Minister;

**22 At the end of paragraph 83B(1)(d)**

Add "or".

**23 After paragraph 83B(1)(d)**

Insert:

(da) subsection 39(1) of the *DisabilityCare Australia Fund Act 2013*;

**24 After subparagraph 84(1)(b)(ii)**

Insert:

(ia) a provision of the *DisabilityCare Australia Fund Act 2013*;

**25 At the end of paragraph 84(1)(b)**

Add:

or (vii) the DisabilityCare Australia Fund Special Account;

**26 After subsection 84(4)**

Insert:

*Transfer of amounts to the DisabilityCare Australia Fund Special Account*

(4A) If an amount is credited to the Fund Account under subsection (1), the nominated Minister may, by writing, direct that a specified amount is to be:

- (a) debited from the Fund Account; and
  - (b) credited to the DisabilityCare Australia Fund Special Account;
- on a specified day.

**27 Paragraph 84(5)(b)**

Omit “and (4)”, substitute “, (4) and (4A)”.

**28 Subsection 84(6)**

Omit “or (4)”, substitute “, (4) or (4A)”.

**29 At the end of paragraph 2(2)(a) of Schedule 2**

Add:

or (vi) paragraph 15(e) of the *DisabilityCare Australia Fund Act 2013*;

**30 At the end of paragraph 2(2)(b) of Schedule 2**

Add:

or (vi) paragraph 15(f) of the *DisabilityCare Australia Fund Act 2013*;

**31 At the end of paragraph 2(2)(c) of Schedule 2**

Add:

or (vi) a paragraph of section 15 of the *DisabilityCare Australia Fund Act 2013*;

**32 Clause 1 of Schedule 2A**

Omit “or the Health and Hospitals Fund”, substitute “, the Health and Hospitals Fund or the DisabilityCare Australia Fund”.

**33 At the end of Schedule 2A**

Add:

**5 Transfers from the Future Fund to the DisabilityCare Australia Fund**

- (1) If an amount is debited from the DisabilityCare Australia Fund Special Account for a purpose mentioned in section 16 of the

*DisabilityCare Australia Fund Act 2013*, the nominated Minister may, by writing, direct that a specified amount is to be:

- (a) debited from the Fund Account; and
  - (b) credited to the DisabilityCare Australia Fund Special Account;
- on a specified day.
- (2) The specified amount must not exceed the amount debited from the DisabilityCare Australia Fund Special Account as mentioned in subsection (1).
  - (3) A direction under subsection (1) is not a legislative instrument.

### ***Nation-building Funds Act 2008***

#### **34 Section 4**

Insert:

***DisabilityCare Australia Fund Special Account*** means the DisabilityCare Australia Fund Special Account established by section 11 of the *DisabilityCare Australia Fund Act 2013*.

#### **35 At the end of paragraph 20(a)**

Add:

or (vi) paragraph 15(e) of the *DisabilityCare Australia Fund Act 2013*;

#### **36 At the end of paragraph 20(b)**

Add:

or (vi) paragraph 15(f) of the *DisabilityCare Australia Fund Act 2013*;

#### **37 At the end of paragraph 20(c)**

Add:

or (vi) a paragraph of section 15 of the *DisabilityCare Australia Fund Act 2013*;

#### **38 At the end of Division 5 of Part 2.2**

Add:

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**29A Transfers from the Building Australia Fund to the DisabilityCare Australia Fund**

- (1) If an amount is debited from the DisabilityCare Australia Fund Special Account for a purpose mentioned in section 16 of the *DisabilityCare Australia Fund Act 2013*, the Finance Minister may, by writing, direct that a specified amount is to be:
  - (a) debited from the Building Australia Fund Special Account;  
and
  - (b) credited to the DisabilityCare Australia Fund Special Account;on a specified day.
- (2) The specified amount must not exceed the amount debited from the DisabilityCare Australia Fund Special Account as mentioned in subsection (1).
- (3) A direction under subsection (1) is not a legislative instrument.

**39 Subsection 122(1)**

After “29,”, insert “29A,”.

**40 Subsection 122(3)**

Omit “or 29”, substitute “, 29 or 29A”.

**41 At the end of paragraph 138(a)**

Add:

or (vi) paragraph 15(e) of the *DisabilityCare Australia Fund Act 2013*;

**42 At the end of paragraph 138(b)**

Add:

or (vi) paragraph 15(f) of the *DisabilityCare Australia Fund Act 2013*;

**43 At the end of paragraph 138(c)**

Add:

or (vi) a paragraph of section 15 of the *DisabilityCare Australia Fund Act 2013*;

**44 At the end of Division 5 of Part 3.2**

Add:

**148A Transfers from the Education Investment Fund to the DisabilityCare Australia Fund**

- (1) If an amount is debited from the DisabilityCare Australia Fund Special Account for a purpose mentioned in section 16 of the *DisabilityCare Australia Fund Act 2013*, the Finance Minister may, by writing, direct that a specified amount is to be:
  - (a) debited from the Education Investment Fund Special Account; and
  - (b) credited to the DisabilityCare Australia Fund Special Account;on a specified day.
- (2) The specified amount must not exceed the amount debited from the DisabilityCare Australia Fund Special Account as mentioned in subsection (1).
- (3) A direction under subsection (1) is not a legislative instrument.

**45 Subsection 207(1)**

After “148,”, insert “148A,”.

**46 Subsection 207(3)**

Omit “or 148”, substitute “, 148 or 148A”.

**47 At the end of paragraph 219(a)**

Add:

or (vi) paragraph 15(e) of the *DisabilityCare Australia Fund Act 2013*;

**48 At the end of paragraph 219(b)**

Add:

or (vi) paragraph 15(f) of the *DisabilityCare Australia Fund Act 2013*;

**49 At the end of paragraph 219(c)**

Add:

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or (vi) a paragraph of section 15 of the *DisabilityCare Australia Fund Act 2013*;

**50 At the end of Division 5 of Part 4.2**

Add:

**224A Transfers from the Health and Hospitals Fund to the DisabilityCare Australia Fund**

- (1) If an amount is debited from the DisabilityCare Australia Fund Special Account for a purpose mentioned in section 16 of the *DisabilityCare Australia Fund Act 2013*, the Finance Minister may, by writing, direct that a specified amount is to be:
  - (a) debited from the Health and Hospitals Fund Special Account;  
and
  - (b) credited to the DisabilityCare Australia Fund Special Account;on a specified day.
- (2) The specified amount must not exceed the amount debited from the DisabilityCare Australia Fund Special Account as mentioned in subsection (1).
- (3) A direction under subsection (1) is not a legislative instrument.

**51 Subsection 275(1)**

After “224,”, insert “224A,”.

**52 Subsection 275(3)**

Omit “or 224”, substitute “, 224 or 224A”.

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*[Minister's second reading speech made in—  
House of Representatives on 29 May 2013  
Senate on 17 June 2013]*

(128/13)

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12      *DisabilityCare Australia Fund (Consequential Amendments) Act 2013*      No. 86, 2013