

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

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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*.

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.

| **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 *Medicare Levy Amendment (DisabilityCare Australia) Act 2013*.  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) |

Note: This table relates only to the provisions of this Act as originally enacted.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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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:

(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 InsuranceMinister;

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:

(iia) 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:

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:

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”.

[*Minister’s second reading speech made in—*

*House of Representatives on 29 May 2013*

*Senate on 17 June 2013*]

(128/13)