



Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Act 2018

No. 146, 2018

**An Act to deal with consequential matters arising
from the enactment of the *Aboriginal and Torres
Strait Islander Land and Sea Future Fund Act 2018*,
and for other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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**An Act to deal with consequential matters arising
from the enactment of the *Aboriginal and Torres
Strait Islander Land and Sea Future Fund Act 2018*,
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[Assented to 30 November 2018]

The Parliament of Australia enacts:

No. 146, 2018

*Aboriginal and Torres Strait Islander Land and Sea Future Fund
(Consequential Amendments) Act 2018*

1

1 Short title

This Act is the *Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Act 2018*.

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 |
| Provisions | 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. | 30 November 2018 |
| 2. Schedule 1 | At the same time as the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> commences. However, the provisions do not commence at all if that Act does not commence. | 1 February 2019 |
| 3. Schedule 2 | At the same time as the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> commences. However, the provisions do not commence at all if: (a) Part 1 of Schedule 1 to the <i>Nation-building Funds Repeal (National Disability Insurance Scheme Funding) Act 2018</i> commences before the commencement of the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> ; or (b) the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> does not commence. | 1 February 2019 |

2 *Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Act 2018* No. 146, 2018

| Commencement information | | |
|---------------------------------|---|--|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 4. Schedule 3 | The later of: (a) immediately after the commencement of the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> ; and (b) the commencement of Part 1 of Schedule 1 to the <i>Nation-building Funds Repeal (National Disability Insurance Scheme Funding) Act 2018</i> . However, the provisions do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur. | Never commenced |
| 5. Schedule 4 | The later of: (a) immediately after the commencement of the <i>Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018</i> ; and (b) the commencement of Part 1 of Schedule 2 to the <i>Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Act 2018</i> . However, the provisions do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur. | 1 February 2019 (paragraph (a) applies) |
| 6. Schedule 5 | The day after this Act receives the Royal Assent. | 1 December 2018 |

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 Schedules

Legislation 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—General amendments

Part 1—Amendments

Aboriginal and Torres Strait Islander Act 2005

1 Subsection 4(1) (definition of *Land Account*)

Repeal the definition.

2 Part 4A (heading)

Omit “and Aboriginal and Torres Strait Islander Land Account”.

3 Division 10 of Part 4A

Repeal the Division.

DisabilityCare Australia Fund Act 2013

4 At the end of paragraph 16(a)

Add:

or (v) paragraph 16(a) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

5 At the end of paragraph 16(b)

Add:

or (v) paragraph 16(b) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

6 At the end of paragraph 16(c)

Add:

or (v) paragraph 16(c) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

Future Fund Act 2006

7 Section 4 (note)

Omit “and the *Medical Research Future Fund Act 2015*”, substitute “, the *Medical Research Future Fund Act 2015* and the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*”.

8 Section 5

Insert:

Aboriginal and Torres Strait Islander Land and Sea Future Fund means the Aboriginal and Torres Strait Islander Land and Sea Future Fund established by section 9 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*.

Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account means the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account established by section 12 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*.

Indigenous Affairs Minister means the Minister who administers Part 4A of the *Aboriginal and Torres Strait Islander Act 2005*.

9 Section 13 (note 2A)

Omit “and the Medical Research Future Fund”, substitute “, the Medical Research Future Fund and the Aboriginal and Torres Strait Islander Land and Sea Future Fund”.

10 After paragraph 28(5)(bb)

Insert:

(bc) the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

11 At the end of subsection 28(5)

Add:

; (i) subsection 43(1) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*.

12 Section 33 (note)

Omit “and the *Medical Research Future Fund Act 2015*”, substitute “, the *Medical Research Future Fund Act 2015* and the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*”.

13 At the end of paragraph 35(b)

Add:

or (v) the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

14 At the end of subsection 55(3)

Add:

; and (d) the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*.

15 At the end of paragraph 63(1)(d)

Add “or”.

16 After paragraph 63(1)(d)

Insert:

(e) the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

17 After paragraph 63(2)(ac)

Insert:

(ad) the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*; or

18 After subsection 81(1E)

Insert:

Aboriginal and Torres Strait Islander Land and Sea Future Fund

(1F) A report under subsection (1) for a period must include a report of the following during the period:

(a) the performance of the investments of the Aboriginal and Torres Strait Islander Land and Sea Future Fund;

- (b) the total amount debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account for the purpose mentioned in paragraph 15(d) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;
- (c) the total amount debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account for the purpose mentioned in paragraph 16(d) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;
- (d) the total amount debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account for the purpose mentioned in paragraph 16(e) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;
- (e) the total amount debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account for the purpose mentioned in paragraph 16(f) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*.

19 After subsection 81(2E)

Insert:

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

20 After paragraph 81(4)(d)

Insert:

- (da) the Indigenous Affairs Minister;

21 At the end of paragraph 83B(1)(db)

Add “or”.

22 After paragraph 83B(1)(db)

Insert:

- (dc) subsection 43(1) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

23 After subparagraph 84(1)(b)(iib)

Insert:

- (iic) a provision of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

24 At the end of subparagraph 84(1)(b)(viii)

Add “or”.

25 After subparagraph 84(1)(b)(viii)

Insert:

- (ix) the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account;

26 After subsection 84(4B)

Insert:

Transfer of amounts to the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account

- (4C) 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 Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account;on a specified day.

27 Paragraph 84(5)(b)

Omit “and (4B)”, substitute “, (4B) and (4C)”.

28 Subsection 84(6)

Omit “or (4B)”, substitute “, (4B) or (4C)”.

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

Add:

- or (viii) paragraph 15(e) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

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

Add:

or (viii) paragraph 15(f) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

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

Add:

or (viii) a paragraph of section 15 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

32 Clause 1 of Schedule 2A

Omit “or the Medical Research Future Fund”, substitute “, the Medical Research Future Fund or the Aboriginal and Torres Strait Islander Land and Sea Future Fund”.

33 At the end of Schedule 2A

Add:

7 Transfers from the Future Fund to the Aboriginal and Torres Strait Islander Land and Sea Future Fund

- (1) If an amount is debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account for a purpose mentioned in section 16 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*, 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 Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account;on a specified day.
- (2) The specified amount must not exceed the amount debited from the Aboriginal and Torres Strait Islander Land and Sea Future Fund Special Account as mentioned in subclause (1).
- (3) A direction under subclause (1) is not a legislative instrument.

Medical Research Future Fund Act 2015

34 After subparagraph 19(a)(i)

Insert:

- (ia) paragraph 15(e) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*; or

35 After subparagraph 19(b)(i)

Insert:

- (ia) paragraph 15(f) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*; or

36 After subparagraph 19(c)(i)

Insert:

- (ia) a paragraph of section 15 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*; or

Part 2—Transitional provision

37 Transitional—annual report about Land Account

Despite the repeal of section 193I of the *Aboriginal and Torres Strait Islander Act 2005* by this Schedule, that section continues to apply, in relation to a report for the financial year ending on 30 June 2018, as if that repeal had not happened.

Schedule 2—Amendment of the Nation-building Funds Act 2008

Nation-building Funds Act 2008

1 At the end of paragraph 20(a)

Add:

or (viii) paragraph 15(e) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

2 At the end of paragraph 20(b)

Add:

or (viii) paragraph 15(f) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

3 At the end of paragraph 20(c)

Add:

or (viii) a paragraph of section 15 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

4 At the end of paragraph 138(a)

Add:

or (viii) paragraph 15(e) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

5 At the end of paragraph 138(b)

Add:

or (viii) paragraph 15(f) of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

6 At the end of paragraph 138(c)

Add:

or (viii) a paragraph of section 15 of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*;

**Schedule 3—Amendments contingent on the
repeal of the Nation-building Funds
Act 2008**

*Aboriginal and Torres Strait Islander Land and Sea Future
Fund Act 2018*

1 Subparagraphs 16(a)(iv), (b)(iv) and (c)(iv)

Repeal the subparagraphs.

Schedule 4—Amendments contingent on the enactment of the Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Act 2018

Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018

1 Section 3

Omit “Indigenous Land Corporation” (wherever occurring), substitute
“Indigenous Land and Sea Corporation”.

2 Section 4

Insert:

Indigenous Land and Sea Corporation means the corporation
continued in existence by section 191A of the *Aboriginal and
Torres Strait Islander Act 2005*.

Indigenous Land and Sea Corporation Board has the same
meaning as in the *Aboriginal and Torres Strait Islander Act 2005*.

Indigenous Land and Sea Corporation Funding Special Account
means the special account continued in existence by section 20.

3 Section 4 (definition of *Indigenous Land Corporation*)

Repeal the definition.

3A Section 4 (definition of *Indigenous Land Corporation Board*)

Repeal the definition.

4 Section 4 (definition of *Indigenous Land Corporation Funding Special Account*)

Repeal the definition.

5 Section 8

Omit “Indigenous Land Corporation” (wherever occurring), substitute “Indigenous Land and Sea Corporation”.

6 Paragraphs 14(a) and (b)

Omit “Indigenous Land Corporation” (wherever occurring), substitute “Indigenous Land and Sea Corporation”.

7 Part 3 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land and Sea Corporation**”.

8 Section 19

Omit “Indigenous Land Corporation” (wherever occurring), substitute “Indigenous Land and Sea Corporation”.

9 Section 20 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land and Sea Corporation**”.

10 Subsection 20(1)

Repeal the subsection, substitute:

- (1) The special account established by this section is continued in existence under the name Indigenous Land and Sea Corporation Funding Special Account.

Note: The special account was originally named the Indigenous Land Corporation Funding Special Account.

11 Subsections 20(2) and (3)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and Sea Corporation”.

12 Section 21 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land and Sea Corporation**”.

13 Section 21

Omit “Indigenous Land Corporation” (wherever occurring), substitute
“Indigenous Land and Sea Corporation”.

14 Section 22 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land
and Sea Corporation**”.

15 Subsections 22(1) and (2)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and
Sea Corporation”.

16 Section 23 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land
and Sea Corporation**”.

17 Paragraphs 23(1)(b) and (2)(d)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and
Sea Corporation”.

18 Section 25 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land
and Sea Corporation**”.

19 Subsection 25(1)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and
Sea Corporation”.

20 Section 26 (heading)

Omit “**Indigenous Land Corporation**”, substitute “**Indigenous Land
and Sea Corporation**”.

21 Paragraph 26(b)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and
Sea Corporation”.

22 Paragraphs 35A(2)(a), (b) and (c)

Omit “Indigenous Land Corporation Board” (wherever occurring), substitute “Indigenous Land and Sea Corporation Board”.

23 Subsection 51A(1)

Omit “Indigenous Land Corporation Board”, substitute “Indigenous Land and Sea Corporation Board”.

24 Paragraph 51A(1)(e)

Omit “Indigenous Land Corporation”, substitute “Indigenous Land and Sea Corporation”.

Schedule 5—Amendment of the Medical Research Future Fund Act 2015

Medical Research Future Fund Act 2015

1 Subparagraph 19(a)(iv)

Omit “16(a)”, substitute “15(e)”.

2 Subparagraph 19(b)(iv)

Omit “16(b)”, substitute “15(f)”.

3 Subparagraph 19(c)(iv)

Omit “paragraph 16(c)”, substitute “a paragraph of section 15”.

*[Minister’s second reading speech made in—
House of Representatives on 28 March 2018
Senate on 12 November 2018]*

(49/18)
