



Emergency Response Fund (Consequential Amendments) Act 2019

No. 91, 2019

**An Act to deal with consequential matters arising
from the enactment of the *Emergency Response
Fund Act 2019*, 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 *Emergency Response
Fund Act 2019*, and for other purposes**

[Assented to 28 October 2019]

The Parliament of Australia enacts:

1 Short title

This Act is the *Emergency Response Fund (Consequential
Amendments) Act 2019*.

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. The whole of this Act	At the same time as the <i>Emergency Response Fund Act 2019</i> commences. However, the provisions do not commence at all if that Act does not commence.	12 December 2019

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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

1 After subparagraph 16(a)(i)

Insert:

- (ia) paragraph 15(e) of the *Emergency Response Fund Act 2019*; or

2 After subparagraph 16(b)(i)

Insert:

- (ia) paragraph 15(f) of the *Emergency Response Fund Act 2019*; or

3 After subparagraph 16(c)(i)

Insert:

- (ia) a paragraph of section 15 of the *Emergency Response Fund Act 2019*; or

COAG Reform Fund Act 2008

4 Subsection 5(2) (before note 3)

Insert:

Note 2AC: An amount originating in the Emergency Response Fund may be transferred to the COAG Reform Fund—see the *Emergency Response Fund Act 2019*.

5 Before paragraph 7(1)(d)

Insert:

- (bac) the grant is not covered by section 33 of the *Emergency Response Fund Act 2019*; and

6 Subsection 7(3) (before note 3)

Insert:

Note 1AC: The provision referred to in paragraph (1)(bac) deals with the channelling, through the COAG Reform Fund, of State/Territory

grants payments from the Emergency Response Fund established by the *Emergency Response Fund Act 2019*. For terms and conditions of those grants, see the *Emergency Response Fund Act 2019*.

DisabilityCare Australia Fund Act 2013

7 After subparagraph 16(a)(i)

Insert:

- (ia) paragraph 15(e) of the *Emergency Response Fund Act 2019*; or

8 After subparagraph 16(b)(i)

Insert:

- (ia) paragraph 15(f) of the *Emergency Response Fund Act 2019*; or

9 After subparagraph 16(c)(i)

Insert:

- (ia) a paragraph of section 15 of the *Emergency Response Fund Act 2019*; or

Future Drought Fund Act 2019

10 After subparagraph 17(a)(ii)

Insert:

- (ia) paragraph 15(e) of the *Emergency Response Fund Act 2019*; or

11 After subparagraph 17(b)(ii)

Insert:

- (ia) paragraph 15(f) of the *Emergency Response Fund Act 2019*; or

12 After subparagraph 17(c)(ii)

Insert:

- (ia) a paragraph of section 15 of the *Emergency Response Fund Act 2019*; or

Future Fund Act 2006

13 Section 4 (note)

After “*DisabilityCare Australia Fund Act 2013*,” insert “the *Emergency Response Fund Act 2019*,”.

14 Section 5

Insert:

Emergency Management Minister has the same meaning as in the *Emergency Response Fund Act 2019*.

Emergency Response Fund means the Emergency Response Fund established by section 9 of the *Emergency Response Fund Act 2019*.

Emergency Response Fund Special Account means the Emergency Response Fund Special Account established by section 12 of the *Emergency Response Fund Act 2019*.

15 Section 13 (note 2A)

After “DisabilityCare Australia Fund, “, insert “the Emergency Response Fund,”.

16 After paragraph 28(5)(ba)

Insert:

(bab) the *Emergency Response Fund Act 2019*;

17 After paragraph 28(5)(g)

Insert:

(ga) subsection 50(1) of the *Emergency Response Fund Act 2019*;

18 Section 33 (note)

After “*DisabilityCare Australia Fund Act 2013*,” insert “the *Emergency Response Fund Act 2019*,”.

19 After subparagraph 35(b)(iii)

Insert:

(iiia) the *Emergency Response Fund Act 2019*; or

20 After paragraph 55(3)(b)

Insert:

(ba) the *Emergency Response Fund Act 2019*; and

21 After paragraph 63(1)(c)

Insert:

(ca) the *Emergency Response Fund Act 2019*; or

22 After paragraph 63(2)(ab)

Insert:

(aba) the *Emergency Response Fund Act 2019*; or

23 After subsection 81(1D)

Insert:

Emergency Response Fund

(1DA) 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 Emergency Response Fund;
- (b) the total amount debited from the Emergency Response Fund Special Account for the purpose mentioned in paragraph 15(d) of the *Emergency Response Fund Act 2019*;
- (c) the total amount debited from the Emergency Response Fund Special Account for the purpose mentioned in paragraph 16(d) of the *Emergency Response Fund Act 2019*;
- (d) the total amount debited from the Emergency Response Fund Special Account for the purpose mentioned in paragraph 16(e) of the *Emergency Response Fund Act 2019*;
- (e) the total amount debited from the Emergency Response Fund Special Account for the purpose mentioned in paragraph 16(f) of the *Emergency Response Fund Act 2019*.

24 After subsection 81(2D)

Insert:

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

25 After paragraph 81(4)(d)

Insert:

(daa) the Emergency Management Minister;

26 After paragraph 83B(1)(da)

Insert:

(daa) subsection 50(1) of the *Emergency Response Fund Act 2019*;
or

27 After subparagraph 84(1)(b)(iia)

Insert:

(iiaa) a provision of the *Emergency Response Fund Act 2019*;

28 After subparagraph 84(1)(b)(vii)

Insert:

(viia) the Emergency Response Fund Special Account; or

29 After subsection 84(4A)

Insert:

Transfer of amounts to the Emergency Response Fund Special Account

(4AA) 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 Emergency Response Fund Special Account; on a specified day.

30 Paragraph 84(5)(b)

After “(4A),”, insert “(4AA),”.

31 Subsection 84(6)

After “(4A),”, insert “(4AA),”.

32 After subparagraph 2(2)(a)(vi) of Schedule 2

Insert:

(via) paragraph 15(e) of the *Emergency Response Fund Act 2019*; or

33 After subparagraph 2(2)(b)(vi) of Schedule 2

Insert:

(via) paragraph 15(f) of the *Emergency Response Fund Act 2019*; or

34 After subparagraph 2(2)(c)(vi) of Schedule 2

Insert:

(via) a paragraph of section 15 of the *Emergency Response Fund Act 2019*; or

35 Clause 1 of Schedule 2A

After “DisabilityCare Australia Fund,”, insert “the Emergency Response Fund,”.

36 After clause 5 of Schedule 2A

Insert:

5A Transfers from the Future Fund to the Emergency Response Fund

- (1) If an amount is debited from the Emergency Response Fund Special Account for a purpose mentioned in section 16 of the *Emergency Response Fund Act 2019*, 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 Emergency Response Fund Special Account; on a specified day.
- (2) The specified amount must not exceed the amount debited from the Emergency Response 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

37 After subparagraph 19(a)(ia)

Insert:

- (ib) paragraph 15(e) of the *Emergency Response Fund Act 2019*; or

38 After subparagraph 19(b)(ia)

Insert:

- (ib) paragraph 15(f) of the *Emergency Response Fund Act 2019*; or

39 After subparagraph 19(c)(ia)

Insert:

- (ib) a paragraph of section 15 of the *Emergency Response Fund Act 2019*; or

Schedule 2—Abolition of the Education Investment Fund

Part 1—Repeal of the Nation-building Funds Act 2008

Nation-building Funds Act 2008

1 The whole of the Act

Repeal the Act.

Part 2—Amendments

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

2 Subparagraph 16(a)(iv)

Repeal the subparagraph.

3 Subparagraph 16(b)(iv)

Repeal the subparagraph.

4 Subparagraph 16(c)(iv)

Repeal the subparagraph.

COAG Reform Fund Act 2008

5 Paragraph 7(1)(b)

Repeal the paragraph.

6 Subsection 7(3) (note 1)

Repeal the note.

DisabilityCare Australia Fund Act 2013

7 Section 4 (definition of *financial asset*)

Repeal the definition, substitute:

financial asset has the same meaning as in the *Future Fund Act 2006*.

8 Subparagraph 16(a)(iii)

Repeal the subparagraph.

9 Subparagraph 16(b)(iii)

Repeal the subparagraph.

10 Subparagraph 16(c)(iii)

Repeal the subparagraph.

Future Drought Fund Act 2019

11 Subparagraph 17(a)(iv)

Repeal the subparagraph.

12 Subparagraph 17(b)(iv)

Repeal the subparagraph.

13 Subparagraph 17(c)(iv)

Repeal the subparagraph.

Future Fund Act 2006

14 Section 4 (note)

Omit “the *Nation-building Funds Act 2008*,”.

15 Section 5

Repeal the following definitions:

- (a) definition of *Education Investment Fund*;
- (b) definition of *Education Investment Fund Special Account*;
- (c) definition of *Education Minister*.

16 Section 5 (definition of *Health Minister*)

Omit “*Nation-building Funds Act 2008*”, substitute “*Medical Research Future Fund Act 2015*”.

17 Section 5 (definition of *Research Minister*)

Repeal the definition.

18 Section 13 (note 2A)

Omit “the Education Investment Fund,”.

19 Paragraphs 28(5)(b) and (e)

Repeal the paragraphs.

20 Section 33 (note)

Omit “the *Nation-building Funds Act 2008*,”.

21 Subparagraph 35(b)(ii)

Repeal the subparagraph.

22 Paragraph 55(3)(a)

Repeal the paragraph.

23 Paragraph 63(1)(b)

Repeal the paragraph.

24 Paragraph 63(2)(aa)

Repeal the paragraph.

25 Subsections 81(1B) and (2B)

Repeal the subsections.

26 Paragraph 81(4)(b)

Repeal the paragraph.

27 Paragraph 81(4)(ea)

Omit “Minister;”, substitute “Minister.”.

28 Paragraph 81(4)(f)

Repeal the paragraph.

29 Paragraph 83B(1)(c)

Repeal the paragraph.

30 Subparagraph 84(1)(b)(ii)

Repeal the subparagraph.

31 Subparagraph 84(1)(b)(v)

Repeal the subparagraph.

32 Subsection 84(3)

Repeal the subsection.

33 Paragraph 84(5)(b)

Omit “(3),”.

34 Subsection 84(6)

Omit “(3),”.

35 Subparagraphs 2(2)(a)(iii) and (iv), (b)(iii) and (iv) and (c)(iii) and (iv) of Schedule 2

Repeal the subparagraphs.

36 Clause 1 of Schedule 2A

Omit “the Education Investment Fund,”.

37 Clause 3 of Schedule 2A

Repeal the clause.

Medical Research Future Fund Act 2015

38 Section 4

Before “*Nation-building Funds Act 2008*”, insert “repealed”.

39 Section 10

Before “*Nation-building Funds Act 2008*”, insert “repealed”.

40 Subparagraph 19(a)(iii)

Repeal the subparagraph.

41 Subparagraph 19(b)(iii)

Repeal the subparagraph.

42 Subparagraph 19(c)(iii)

Repeal the subparagraph.

Part 3—Transitional provisions

43 Transitional—reporting obligations of the Future Fund Board of Guardians

Despite the repeal of the *Nation-building Funds Act 2008* by this Schedule, sections 203 and 204 of that Act (which deal with reporting obligations) continue to apply, after the commencement of this item, in relation to:

- (a) the performance of the Future Fund Board of Guardians' functions; and
- (b) the operation of the Board;

in respect of the repealed Education Investment Fund, as if the repeal of those sections had not happened.

44 Transitional—reports

Despite the amendments of section 81 of the *Future Fund Act 2006* made by this Schedule, that section continues to apply, in relation to the annual report for the period in which this item commences, as if those amendments had not been made.

45 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (2) However, to avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.

*[Minister's second reading speech made in—
House of Representatives on 11 September 2019
Senate on 18 September 2019]*

(162/19)

16 *Emergency Response Fund (Consequential Amendments) Act 2019* No. 91, 2019