

Assistance for Severely Affected Regions (Special Appropriation) (Coronavirus Economic Response Package) Act 2020

No. 24, 2020

An Act to appropriate money for community, regional and industry support as part of the Coronavirus Economic Response, and for related purposes

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No. 24, 2020

An Act to appropriate money for community, regional and industry support as part of the Coronavirus Economic Response, and for related purposes

[*Assented to 24 March 2020*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Assistance for Severely Affected Regions (Special Appropriation) (Coronavirus Economic Response Package) Act 2020*.

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 | The day after this Act receives the Royal Assent. | 25 March 2020 |

Note: This table relates only to the provisions of this Act as originally enacted.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 Definitions

In this Act:

***accountable authority*** has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

***Commonwealth entity*** has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

***constitutional corporation*** means a corporation to which paragraph 51(xx) of the Constitution applies.

***non‑corporate Commonwealth entity*** has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

***official*** has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

***rules*** means the rules made under section 7.

4 Appropriation

(1) The Consolidated Revenue Fund is appropriated to the extent of $1 billion for the purposes of making payments to support communities, regions and industry sectors affected by the economic impacts of the Coronavirus known as COVID‑19.

(2) Without limiting subsection (1), the purpose in that subsection includes the following:

(a) helping businesses and other organisations identify:

(i) alternative markets, including export markets; and

(ii) alternative suppliers and supply chains;

(b) promoting and supporting Australia’s tourism industry;

(c) designing and delivering support measures for affected communities, regions and industry sectors;

(d) designing and delivering recovery measures for affected communities, regions and industry sectors;

(e) supporting those recovery measures;

(f) reimbursing Commonwealth entities, including the Great Barrier Reef Marine Park Authority and the Director of National Parks, for fees and charges that are waived;

(g) making payments to a State or Territory for a purpose set out in another provision of this section.

5 Terms and conditions relating to payments

Payments to States and Territories

(1) If money appropriated by this Act is paid to a State or Territory:

(a) the terms and conditions on which the money is payable must be set out in a written agreement between the Commonwealth and the State or Territory; and

(b) the State or Territory must comply with the terms and conditions.

Payments to constitutional corporations

(2) If money appropriated by this Act is paid to a constitutional corporation:

(a) the terms and conditions on which the money is payable must be set out in a written agreement between the Commonwealth and the corporation; and

(b) the corporation must comply with the terms and conditions.

Payments to other persons

(3) If money appropriated by this Act is paid to a person other than a State, Territory or constitutional corporation:

(a) the terms and conditions on which the money is payable must be set out in a written agreement between the Commonwealth and the person; and

(b) the person must comply with the terms and conditions.

Making agreements

(4) Agreements for the purposes of this section may be entered into on behalf of the Commonwealth by:

(a) a Minister; or

(b) an accountable authority of a non‑corporate Commonwealth entity.

6 Delegation

Delegation by a Minister

(1) A Minister may, by writing, delegate the Minister’s power to make an agreement for the purposes of section 5 to an official of any non‑corporate Commonwealth entity who:

(a) is an SES employee, or an acting SES employee; or

(b) holds, or is acting in, a position that is equivalent to, or higher than, a position occupied by an SES employee.

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

(2) In exercising powers under a delegation, the delegate must comply with any directions of the Minister.

Delegation by an accountable authority

(3) An accountable authority of a non‑corporate Commonwealth entity may, by writing, delegate the authority’s power to make an agreement for the purposes of section 5 to an official of any non‑corporate Commonwealth entity who:

(a) is an SES employee, or an acting SES employee; or

(b) holds, or is acting in, a position that is equivalent to, or higher than, a position occupied by an SES employee.

(4) In exercising powers under a delegation, the delegate must comply with any directions of the accountable authority.

7 Rules

(1) The Minister may, by legislative instrument, make rules prescribing matters:

(a) required or permitted by this Act to be prescribed by the rules; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The rules may also do the following:

(a) prescribe circumstances in which the Commonwealth may pay money appropriated by this Act;

(b) set amounts to be appropriated for specified purposes under the appropriation in this Act;

(c) provide for another Minister to administer a specified amount appropriated for a specified purpose under the appropriation in this Act.

(3) 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) directly amend the text of this Act.

Legislative authority for spending

(4) To avoid doubt, subsection (2) does not limit the sources of legislative authority for spending money appropriated by this Act.

Note: The Commonwealth might rely on other provisions as authority for spending money appropriated by this Act, including:

(a) the purposes set out in section 4; or

(b) provisions of the *Financial Framework (Supplementary Powers) Regulation**s 1997*.

8 Time limit for payments under this Act

The Commonwealth must not pay money under the appropriation in this Act after 30 June 2021.

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

*House of Representatives on 23 March 2020*

*Senate on 23 March 2020*]

(40/20)