



Emergency Response Fund Amendment (Disaster Ready Fund) Act 2022

No. 65, 2022

An Act to amend 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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Emergency Response Fund Amendment (Disaster Ready Fund) Act 2022

No. 65, 2022

An Act to amend the *Emergency Response Fund Act 2019*, and for other purposes

[Assented to 29 November 2022]

The Parliament of Australia enacts:

1 Short title

This Act is the *Emergency Response Fund Amendment (Disaster Ready Fund) Act 2022*.

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 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	29 November 2022
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 March 2023 (F2023N00027)
3. Schedule 2	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Consequential amendments of the *Emergency Response Fund Investment Mandate Direction 2020*

- (1) During the period:
- (a) beginning at the commencement of this section; and
 - (b) ending immediately before the commencement of Schedule 1 to this Act;

the responsible Ministers may, by legislative instrument, make the following amendments of the *Emergency Response Fund Investment Mandate Direction 2020*:

- (c) in section 1 of that Direction, omitting “*Emergency Response Fund*” and substituting “*Disaster Ready Fund*”;
 - (d) in section 3 of that Direction, omitting “made under the *Emergency Response Fund Act 2019*” and substituting “in force under the *Disaster Ready Fund Act 2019*”;
 - (e) in the definition of **Act** in section 4 of that Direction, omitting “*Emergency Response Fund Act 2019*” and substituting “*Disaster Ready Fund Act 2019*”;
 - (f) in the definition of **Fund** in section 4 of that Direction, omitting “Emergency Response Fund” and substituting “Disaster Ready Fund”.
- (2) An instrument made under subsection (1) of this section must not take effect before the commencement of Schedule 1 to this Act.
- (3) Section 42 of the *Emergency Response Fund Act 2019* (which deals with consultation) applies to the making of an instrument under subsection (1) of this section in a corresponding way to the way in which it applies to the giving of a direction under subsection 39(1) of that Act.
- (4) This section does not, by implication, limit the application of subsection 33(3) of the *Acts Interpretation Act 1901* to any other power to make an instrument.
- (5) For the purposes of this section, **responsible Ministers** has the same meaning as in the *Emergency Response Fund Act 2019*.

Schedule 1—Amendments commencing on a day to be fixed by Proclamation

Part 1—General amendments

Emergency Response Fund Act 2019

1 Title

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

2 Section 1

Omit “*Emergency Response Fund*”, substitute “*Disaster Ready Fund*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 Section 3 (paragraph beginning “This Act establishes the Emergency Response Fund”)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

4 Section 3 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “Emergency Response Fund consists of”, substitute “Disaster Ready Fund consists of”.

5 Section 3 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

6 Section 3 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “of the Emergency Response Fund”, substitute “of the Disaster Ready Fund”.

7 Section 3 (paragraph beginning “The balance”)

Repeal the paragraph.

8 Section 3 (paragraph beginning “The Future Fund Board is”)

Omit “Emergency Response Fund” (first occurring), substitute “Disaster Ready Fund”.

9 Section 3 (paragraph beginning “The Future Fund Board is”)

Omit “Emergency Response Fund Investment Mandate”, substitute “Disaster Ready Fund Investment Mandate”.

10 Section 3 (paragraph beginning “This Act establishes the Home Affairs”)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

11 Section 3 (paragraph beginning “Amounts will be transferred from the Emergency Response Fund Special Account to the Home Affairs”)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

12 Section 3 (paragraph beginning “The purposes of the Home Affairs”)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

13 Section 3 (paragraph beginning “Amounts will be transferred from the Emergency Response Fund Special Account to the COAG”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

14 Section 4

Insert:

balance of the Disaster Ready Fund means the sum of:

- (a) amounts standing to the credit of the Disaster Ready Fund Special Account; and
- (b) the value of investments of the Disaster Ready Fund.

15 Section 4 (definition of *balance of the Emergency Response Fund*)

Repeal the definition.

16 Section 4

Insert:

Disaster Ready Fund means the Disaster Ready Fund referred to in section 9.

17 Section 4

Insert:

Disaster Ready Fund investment function of the Future Fund Board means:

- (a) a function or power conferred on the Future Fund Board by section 37, 38, 45, 47, 49 or 50; or
- (b) a right or power conferred on the Future Fund Board in its capacity as the holder of an investment of the Disaster Ready Fund.

18 Section 4

Insert:

Disaster Ready Fund Investment Mandate has the meaning given by subsection 39(3).

19 Section 4

Insert:

Disaster Ready Fund Payments Special Account means the Disaster Ready Fund Payments Special Account referred to in section 27.

20 Section 4

Insert:

Disaster Ready Fund Special Account means the Disaster Ready Fund Special Account referred to in section 12.

21 Section 4 (definition of *Education Investment Fund*)

Repeal the definition.

22 Section 4 (definition of *Education Investment Fund Special Account*)

Repeal the definition.

23 Section 4 (definition of *Emergency Response Fund*)

Repeal the definition, substitute:

Emergency Response Fund means the Emergency Response Fund that was established by this Act as originally enacted.

24 Section 4 (definition of *Emergency Response Fund investment function*)

Repeal the definition.

25 Section 4 (definition of *Emergency Response Fund Investment Mandate*)

Repeal the definition.

26 Section 4 (definition of *Emergency Response Fund Special Account*)

Repeal the definition, substitute:

Emergency Response Fund Special Account means the Emergency Response Fund Special Account that was established by this Act as originally enacted.

27 Section 4 (definition of *Home Affairs Department*)

Repeal the definition.

28 Section 4 (definition of *Home Affairs Emergency Response Fund Special Account*)

Repeal the definition, substitute:

Home Affairs Emergency Response Fund Special Account means the Home Affairs Emergency Response Fund Special Account that was established by this Act as originally enacted.

29 Section 4 (definition of *Home Affairs Minister*)

Repeal the definition.

30 Section 4

Insert:

investment of the Disaster Ready Fund means a financial asset that, under a provision of this Act, is taken to be an investment of the Disaster Ready Fund.

31 Section 4 (definition of *investment of the Education Investment Fund*)

Repeal the definition.

32 Section 4 (definition of *investment of the Emergency Response Fund*)

Repeal the definition, substitute:

investment of the Emergency Response Fund has the same meaning as in this Act as in force immediately before the commencement of section 9A.

33 Section 4

Insert:

NEMA means the body known as the National Emergency Management Agency.

34 Section 4 (definition of *value*)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

35 Part 2 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

36 Section 8 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “Emergency Response Fund consists of”, substitute “Disaster Ready Fund consists of”.

37 Section 8 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

38 Section 8 (paragraph beginning “The Emergency Response Fund consists of”)

Omit “of the Emergency Response Fund”, substitute “of the Disaster Ready Fund”.

39 Section 8 (paragraph beginning “The balance”)

Repeal the paragraph.

40 Section 8 (paragraph beginning “The responsible”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

41 Section 8 (paragraph beginning “Each of”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

42 Section 8 (paragraph beginning “Each of”)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

43 Section 8 (paragraph beginning “The Emergency Response Fund Special Account”)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

44 Section 8 (paragraph beginning “The Emergency Response Fund Special Account”)

Omit “managing the Emergency Respond Fund”, substitute “managing the Disaster Ready Fund”.

45 Division 2 of Part 2 (heading)

Omit “Emergency Response Fund and the Emergency Response Fund Special Account”, substitute “Disaster Ready Fund and the Disaster Ready Fund Special Account”.

46 Section 9

Repeal the section, substitute:

9 Disaster Ready Fund

- (1) The Emergency Response Fund is continued in existence with the new name the Disaster Ready Fund.
- (2) The Disaster Ready Fund consists of:
 - (a) the Disaster Ready Fund Special Account; and
 - (b) the investments of the Disaster Ready Fund.

9A Transitional—investments of the Disaster Ready Fund

Scope

- (1) This section applies to a financial asset if, immediately before the commencement of this section, the asset was an investment of the Emergency Response Fund.

Investment of the Disaster Ready Fund

- (2) Immediately after the commencement of this section, the financial asset is taken to become an investment of the Disaster Ready Fund.

47 Sections 10 and 11

Repeal the sections.

48 Section 12

Repeal the section, substitute:

12 Disaster Ready Fund Special Account

- (1) The Emergency Response Fund Special Account is continued in existence with the new name the Disaster Ready Fund Special Account.
- (2) The Disaster Ready Fund Special Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

49 Division 3 of Part 2 (heading)

Omit “**Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Special Account**”.

50 Section 13

Omit “**Emergency Response Fund Special Account**” (wherever occurring), substitute “**Disaster Ready Fund Special Account**”.

51 Division 4 of Part 2 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

52 Section 14 (heading)

Omit “**Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Special Account**”.

53 Section 14

Omit “purpose of the Emergency Response Fund Special Account”, substitute “purpose of the Disaster Ready Fund Special Account”.

54 Paragraph 14(a)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

55 Section 15 (heading)

Omit “**Purposes of the Emergency Response Fund Special Account—purposes related exclusively to the investments etc. of the Emergency Response Fund**”, substitute “**Purposes of the Disaster Ready Fund Special Account—purposes related exclusively to the investments etc. of the Disaster Ready Fund**”.

56 Section 15

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

57 Paragraphs 15(b), (e), (f) and (g)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

58 Section 16 (heading)

Omit “**Emergency Response Fund Special Account—purposes not related exclusively to the Emergency Response Fund**”, substitute “**Disaster Ready Fund Special Account—purposes not related exclusively to the Disaster Ready Fund**”.

59 Section 16

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

60 Subparagraph 16(f)(ii)

Omit “Agency; or”, substitute “Agency.”.

61 Subparagraph 16(f)(iii)

Repeal the subparagraph.

62 Section 17 (heading)

Omit “**Emergency Response Fund Special Account**”, substitute
“**Disaster Ready Fund Special Account**”.

63 Section 17

Omit “Emergency Response Fund Special Account”, substitute
“Disaster Ready Fund Special Account”.

64 Section 17 (note)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

65 Section 18 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

66 Paragraph 18(1)(a)

Omit “Emergency Response Fund Special Account”, substitute
“Disaster Ready Fund Special Account”.

67 Section 19 (paragraph beginning “This Part establishes”)

Omit “Home Affairs Emergency Response Fund Special Account”,
substitute “Disaster Ready Fund Payments Special Account”.

68 Section 19 (paragraph beginning “Amounts will be transferred from the Emergency Response Fund Special Account to the Home”)

Omit “Emergency Response Fund Special Account to the Home Affairs
Emergency Response Fund Special Account”, substitute “Disaster
Ready Fund Special Account to the Disaster Ready Fund Payments
Special Account”.

69 Section 19 (paragraph beginning “The purposes of”)

Omit “Home Affairs Emergency Response Fund Special Account”,
substitute “Disaster Ready Fund Payments Special Account”.

70 Section 19 (paragraph beginning “Amounts will be transferred from the Emergency Response Fund Special Account to the COAG”)

Omit “the Emergency Response Fund Special Account”, substitute “the Disaster Ready Fund Special Account”.

71 Subsection 26(1)

Omit “Home Affairs Department’s”, substitute “NEMA’s”.

71A At the end of Division 2 of Part 3

Add:

26A Annual report regarding arrangements and grants

- (1) The Emergency Management Minister must cause to be prepared, as soon as practicable after the end of each financial year, an annual report on the exercise of the Minister’s functions and powers under section 20 (which deals with arrangements and grants) during the year.
- (2) Without limiting subsection (1), the report must include the following in relation to each process by which a decision was made during the year to make one or more section 20 arrangements or section 20 grants:
 - (a) details of how the process was conducted;
 - (b) for each arrangement or grant that was made as a result of the process:
 - (i) the name of the person (other than an individual) or body with or to which the arrangement or grant was made; and
 - (ii) details of the arrangement or grant made;
 - (c) for each person or body that, as part of the process, made an unsuccessful application (however described) for an arrangement or grant:
 - (i) the name of the person (other than an individual) or body; and
 - (ii) details of the arrangement or grant applied for.

- (3) However, information described in paragraph (2)(c) can only be included in the report if the person or body that made the unsuccessful application provides their agreement in writing.
- (4) The Emergency Management Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the end of the financial year to which the report relates.

26B Review of arrangements and grants

- (1) The Emergency Management Minister must cause an independent review of the following matters to be undertaken before the fifth anniversary of the commencement of this section:
 - (a) the section 20 arrangements and section 20 grants that have been made, including their purposes and the payments made in relation to them;
 - (b) the appropriateness of the processes by which decisions to make or not to make such arrangements and grants have been made, taking into account the information reported under section 26A;
 - (c) the implementation of any guidelines for making decisions of that kind, and compliance with the *Public Governance, Performance and Accountability Act 2013* and instruments made under that Act in relation to those decisions;
 - (d) whether any additional measures should be taken (including amendments of this Act) to improve transparency relating to decisions of that kind, and if so what those measures should be.
- (2) The person or persons who conduct the review must:
 - (a) give the Emergency Management Minister a written report of the review; and
 - (b) do so before the fifth anniversary of the commencement of this section.
- (3) The Emergency Management Minister must cause a copy of:
 - (a) the terms of reference for the review; and
 - (b) the report of the review;

to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

- (4) The Emergency Management Minister must also cause a copy of the terms of reference and report to be published on the NEMA’s website as soon as practicable after the report is given to the Minister.

72 Division 3 of Part 3 (heading)

Omit “**Home Affairs Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Payments Special Account**”.

73 Section 27

Repeal the section, substitute:

27 Disaster Ready Fund Payments Special Account

- (1) The Home Affairs Emergency Response Fund Special Account is continued in existence with the new name the Disaster Ready Fund Payments Special Account.
- (2) The Disaster Ready Fund Payments Special Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

- (3) The accountable authority of the NEMA is responsible for the Disaster Ready Fund Payments Special Account.

74 Section 28 (heading)

Omit “**Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account**”.

75 Subsections 28(1) and (4)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

76 Paragraph 28(7)(a)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

77 Paragraph 28(7)(b)

Omit “34(1)”, substitute “34(6)”.

78 Paragraph 28(7)(c)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

79 Paragraph 28(7)(d)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

80 Subsection 28(9)

Repeal the subsection, substitute:

- (9) If the Finance Minister personally gives a direction under subsection (7), the Finance Minister must give a copy of the direction to the Treasurer and the Emergency Management Minister.
- (10) If a delegate of the Finance Minister gives a direction under subsection (7), the delegate must give a copy of the direction to the Treasury Department and the NEMA.

81 Section 28A (heading)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

82 Subsections 28A(1) and (4)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

83 Paragraph 28A(7)(a)

Omit “Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account to the Disaster Ready Fund Payments Special Account”.

84 Paragraph 28A(7)(b)

Omit “34(2)”, substitute “34(1) or (7)”.

85 Paragraph 28A(7)(c)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

86 Paragraph 28A(7)(d)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

87 Subsection 28A(9)

Repeal the subsection, substitute:

- (9) If the Finance Minister personally gives a direction under subsection (7), the Finance Minister must give a copy of the direction to the Treasurer and the Emergency Management Minister.

(10) If a delegate of the Finance Minister gives a direction under subsection (7), the delegate must give a copy of the direction to the Treasury Department and the NEMA.

88 Section 29 (heading)

Omit “**Home Affairs Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Payments Special Account**”.

89 Section 29

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

90 Section 30 (heading)

Omit “**Home Affairs Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Payments Special Account**”.

91 Section 30

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

92 Section 31 (heading)

Omit “**Home Affairs Emergency Response Fund Special Account must be transferred to the Emergency Response Fund Special Account**”, substitute “**Disaster Ready Fund Payments Special Account must be transferred to the Disaster Ready Fund Special Account**”.

93 Paragraph 31(1)(a)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

94 Subparagraph 31(2)(a)(i)

Omit “Home Affairs Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Payments Special Account”.

95 Subparagraph 31(2)(a)(ii)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

96 Subsection 31(4)

Repeal the subsection, substitute:

- (4) If the Emergency Management Minister personally gives a direction under subsection (2), the Emergency Management Minister must give a copy of the direction to the Treasurer and the Finance Minister.
- (5) If a delegate of the Emergency Management Minister gives a direction under subsection (2), the delegate must give a copy of the direction to the Treasury Department and the Finance Department.

97 Subsection 32(1)

Repeal the subsection, substitute:

- (1A) If the Emergency Management Minister decides that a grant of financial assistance should be made to a State or Territory under subsection 20(1), the Emergency Management Minister may request the Finance Minister to transfer a specified amount (which must equal the amount of the grant) from the Disaster Ready Fund Special Account to the COAG Reform Fund.
- (1) If the Emergency Management Minister requests the Finance Minister under subsection (1A) to transfer an amount from the Disaster Ready Fund Special Account to the COAG Reform Fund, the Finance Minister must, by writing, direct that, on a specified day, a specified amount (which must equal the requested amount) is to be:
 - (a) debited from the Disaster Ready Fund Special Account; and
 - (b) credited to the COAG Reform Fund.

98 Subsection 32(3)

Omit “give a direction under subsection (1) if doing so”, substitute “make a request under subsection (1A) if a direction given in response to the request”.

99 Subsection 32(3)

Omit “34(1)”, substitute “34(6)”.

100 Subsection 32(6)

Repeal the subsection, substitute:

- (6) If the Finance Minister personally gives a direction under subsection (1), the Finance Minister must give a copy of the direction to the Treasurer and the Emergency Management Minister.
- (7) If a delegate of the Finance Minister gives a direction under subsection (1), the delegate must give a copy of the direction to the Treasury Department and the NEMA.

101 Subsection 32A(1)

Repeal the subsection, substitute:

- (1A) If the Emergency Management Minister decides that a grant of financial assistance should be made to a State or Territory under subsection 20(1A), the Emergency Management Minister may request the Finance Minister to transfer a specified amount (which must equal the amount of the grant) from the Disaster Ready Fund Special Account to the COAG Reform Fund.
- (1) If the Emergency Management Minister requests the Finance Minister under subsection (1A) to transfer an amount from the Disaster Ready Fund Special Account to the COAG Reform Fund, the Finance Minister must, by writing, direct that, on a specified day, a specified amount (which must equal the requested amount) is to be:
 - (a) debited from the Disaster Ready Fund Special Account; and
 - (b) credited to the COAG Reform Fund.

102 Subsection 32A(3)

Omit “give a direction under subsection (1) if doing so”, substitute “make a request under subsection (1A) if a direction given in response to the request”.

103 Subsection 32A(3)

Omit “34(2)”, substitute “34(1) or (7)”.

104 Subsection 32A(6)

Repeal the subsection, substitute:

- (6) If the Finance Minister personally gives a direction under subsection (1), the Finance Minister must give a copy of the direction to the Treasurer and the Emergency Management Minister.
- (7) If a delegate of the Finance Minister gives a direction under subsection (1), the delegate must give a copy of the direction to the Treasury Department and the NEMA.

105 Division 5 of Part 3

Repeal the Division, substitute:

Division 5—Limitation on total annual debits from the Disaster Ready Fund Special Account

34 Limitation on total annual debits from the Disaster Ready Fund Special Account

- (1) The total amount debited from the Disaster Ready Fund Special Account under sections 28A and 32A during:
 - (a) the financial year beginning on 1 July 2023; or
 - (b) a later financial year;must not exceed:
 - (c) \$200 million; or
 - (d) if another amount is applicable to the financial year in accordance with subsection (2) or (3)—that other amount.
- (2) For the purposes of paragraph (1)(d), the responsible Ministers may, by legislative instrument, determine the amount applicable to:
 - (a) a specified financial year; and
 - (b) each subsequent financial year.
- (3) For the purposes of paragraph (1)(d), the responsible Ministers may, by legislative instrument, determine:
 - (a) one or more financial years; and

- (b) for each of those financial years—the amount applicable to the financial year concerned.
- (4) A determination under subsection (2) does not apply to a financial year that is covered by a determination under subsection (3).
- (5) In making a determination under subsection (2) or (3), the responsible Ministers must have regard to:
 - (a) the advice given by the Future Fund Board under section 34A in relation to the impact of the making of the determination on the ability of the Future Fund Board to comply with this Act and the Disaster Ready Fund Investment Mandate; and
 - (b) such other matters (if any) as the responsible Ministers consider relevant.

Financial year beginning on 1 July 2022

- (6) The total amount debited from the Disaster Ready Fund Special Account under sections 28 and 32 during the financial year beginning on 1 July 2022 must not exceed \$150 million.
- (7) The total amount debited from the Disaster Ready Fund Special Account under sections 28A and 32A during the financial year beginning on 1 July 2022 must not exceed \$50 million.

Review

- (8) At least once every 5 years, the responsible Ministers must conduct a review of the operation of paragraphs (1)(c) and (d).

34A Determinations—advice given by the Future Fund Board

- (1) Before making a determination under subsection 34(2) or (3), the responsible Ministers must give the Future Fund Board a written notice that:
 - (a) sets out a draft of the determination; and
 - (b) requires the Future Fund Board to:
 - (i) give advice to those Ministers about the impact of the making of the determination on the ability of the Future Fund Board to comply with this Act and the Disaster Ready Fund Investment Mandate; and

- (ii) do so within the period specified in the notice; and
- (c) requires the Future Fund Board, in giving that advice, to have regard to:
 - (i) the Disaster Ready Fund Investment Mandate; and
 - (ii) such other matters (if any) as are specified in the notice.
- (2) The Future Fund Board must comply with a requirement in a notice under subsection (1).
- (3) A period specified under subparagraph (1)(b)(ii) must not be shorter than 60 days after the notice is given.
- (4) A matter specified under subparagraph (1)(c)(ii) must not be inconsistent with:
 - (a) this Act; or
 - (b) the Disaster Ready Fund Investment Mandate.
- (5) Paragraph (1)(c) does not, by implication, limit the matters to which the Future Fund Board may have regard.
- (6) The advice given by the Future Fund Board in accordance with subparagraph (1)(b)(i) must be tabled in each House of the Parliament with the relevant determination.

Note: As the determination is a legislative instrument, it is also tabled in each House of the Parliament under section 38 of the *Legislation Act 2003*.

106 Part 4 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

107 Section 35 (paragraph beginning “The Future Fund Board is responsible”)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

108 Section 35 (paragraph beginning “Investments of”)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

109 Section 35 (paragraph beginning “The Future Fund Board is bound”)

Omit “Emergency Response Fund Investment Mandate”, substitute “Disaster Ready Fund Investment Mandate”.

110 Section 36 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

111 Subsection 36(1)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

112 Subsection 36(2)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

113 Section 37 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

114 Subsection 37(1)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

115 Subsection 37(3)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

116 Section 38 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

117 Subsection 38(1)

Omit “Emergency Response Fund is to be credited to the Emergency Response Fund Special Account”, substitute “Disaster Ready Fund is to be credited to the Disaster Ready Fund Special Account”.

118 Subsection 38(2)

Omit “Emergency Response Fund is to be credited to the Emergency Response Fund Special Account”, substitute “Disaster Ready Fund is to be credited to the Disaster Ready Fund Special Account”.

119 Subsection 38(3)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

120 Subsection 38(4)

Omit “Emergency Response Fund” (first occurring), substitute “Disaster Ready Fund”.

121 Subsection 38(4)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

122 Subsection 38(5)

Omit “Emergency Response Fund” (wherever occurring), substitute “Disaster Ready Fund”.

123 Subsection 38(6)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

124 Section 39 (heading)

Omit “**Emergency Response Fund Investment Mandate**”, substitute “**Disaster Ready Fund Investment Mandate**”.

125 Subsection 39(1)

Omit “Emergency Response Fund investment functions”, substitute “Disaster Ready Fund investment functions”.

126 Subsection 39(1) (note 1)

Omit “*Emergency Response Fund investment function*”, substitute “*Disaster Ready Fund investment function*”.

127 Paragraph 39(2)(a)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

128 Subsection 39(3)

Omit “*Emergency Response Fund Investment Mandate*”, substitute
“*Disaster Ready Fund Investment Mandate*”.

129 Section 40

Omit “Emergency Response Fund investment function”, substitute
“Disaster Ready Fund investment function”.

130 Section 40

Omit “Emergency Response Fund over”, substitute “Disaster Ready
Fund over”.

131 Section 41 (heading)

Omit “**Emergency Response Fund Investment Mandate**”, substitute
“**Disaster Ready Fund Investment Mandate**”.

132 Paragraph 41(1)(a)

Omit “Emergency Response Fund Special Account”, substitute
“Disaster Ready Fund Special Account”.

133 Section 42 (heading)

Omit “**Emergency Response Fund Investment Mandate**”, substitute
“**Disaster Ready Fund Investment Mandate**”.

134 Section 43 (heading)

Omit “**Emergency Response Fund Investment Mandate**”, substitute
“**Disaster Ready Fund Investment Mandate**”.

135 Section 43

Omit “Emergency Response Fund Investment Mandate” (wherever
occurring), substitute “Disaster Ready Fund Investment Mandate”.

136 Subsection 44(1)

Omit “Emergency Response Fund investment functions”, substitute
“Disaster Ready Fund investment functions”.

137 Section 45

Omit “Emergency Response Fund” (wherever occurring), substitute “Disaster Ready Fund”.

138 Section 46 (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

139 Subsection 46(1)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

140 Subsections 46(2) and (6)

Omit “Emergency Response Fund Investment Mandate”, substitute “Disaster Ready Fund Investment Mandate”.

141 Section 47

Omit “Emergency Response Fund” (wherever occurring), substitute “Disaster Ready Fund”.

142 Section 48

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

143 Subsection 49(1)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

144 Subsection 49(2)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

145 Subsections 49(3) and (4)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

146 Section 50

Omit “Emergency Response Fund” (wherever occurring), substitute “Disaster Ready Fund”.

147 Section 51

Omit “Emergency Response Fund Special Account”, substitute
“Disaster Ready Fund Special Account”.

148 Paragraph 51(b)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

149 Section 52

Omit “Emergency Response Fund” (wherever occurring), substitute
“Disaster Ready Fund”.

150 Subsection 59(1)

Omit “or 28A”, substitute “, 28A, 32 or 32A”.

151 Paragraph 61(1)(a)

Repeal the paragraph, substitute:

(a) the accountable authority of the NEMA; or

152 Paragraph 61(1)(b)

Omit “of the Home Affairs Department”, substitute “in the NEMA”.

153 Paragraph 61(3)(a)

Repeal the paragraph, substitute:

(a) the accountable authority of the NEMA; or

154 Paragraph 61(3)(b)

Omit “in the Home Affairs Department”, substitute “in the NEMA”.

155 Section 62

Repeal the section.

Part 2—Consequential amendments

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

156 Subparagraph 16(a)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

157 Subparagraph 16(b)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

158 Subparagraph 16(c)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

COAG Reform Fund Act 2008

159 Subsection 5(2) (note 2AC)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

160 Subsection 5(2) (note 2AC)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

161 Paragraph 7(1)(bac)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

162 Subsection 7(3) (note 1AC)

Omit “Emergency Response Fund established by”, substitute “Disaster Ready Fund referred to in”.

163 Subsection 7(3) (note 1AC)

Omit “*Emergency Response Fund Act 2019*” (wherever occurring), substitute “*Disaster Ready Fund Act 2019*”.

DisabilityCare Australia Fund Act 2013

164 Subparagraph 16(a)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

165 Subparagraph 16(b)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

166 Subparagraph 16(c)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

Future Drought Fund Act 2019

167 Subparagraph 17(a)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

168 Subparagraph 17(b)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

169 Subparagraph 17(c)(ia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

Future Fund Act 2006

170 Section 4 (note)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

171 Section 5

Insert:

Disaster Ready Fund means the Disaster Ready Fund referred to in section 9 of the *Disaster Ready Fund Act 2019*.

Disaster Ready Fund Special Account means the Disaster Ready Fund Special Account referred to in section 12 of the *Disaster Ready Fund Act 2019*.

172 Section 5 (definition of *Emergency Management Minister*)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

173 Section 5

Repeal the following definitions:

- (a) definition of *Emergency Response Fund*;
- (b) definition of *Emergency Response Fund Special Account*.

174 Section 13 (note 2A)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

175 Paragraph 28(5)(bab)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

176 Paragraph 28(5)(ga)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

177 Section 33 (note)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

178 Subparagraph 35(b)(iiia)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

179 Paragraph 55(3)(ba)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

180 Paragraph 63(1)(ca)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

181 Paragraph 63(2)(aba)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

182 Subsection 81(1DA) (heading)

Repeal the heading, substitute:

Disaster Ready Fund

183 Paragraph 81(1DA)(a)

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

184 Paragraph 81(1DA)(b)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

185 Paragraph 81(1DA)(b)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

186 Paragraph 81(1DA)(c)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

187 Paragraph 81(1DA)(c)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

188 Paragraph 81(1DA)(d)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

189 Paragraph 81(1DA)(d)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

190 Paragraph 81(1DA)(e)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

191 Paragraph 81(1DA)(e)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

192 Paragraph 83B(1)(daa)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

193 Subparagraph 84(1)(b)(iiaa)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

194 Subparagraph 84(1)(b)(viia)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

195 Subsection 84(4AA) (heading)

Omit “*Emergency Response Fund Special Account*”, substitute “*Disaster Ready Fund Special Account*”.

196 Paragraph 84(4AA)(b)

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

197 Subparagraph 2(2)(a)(via) of Schedule 2

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

198 Subparagraph 2(2)(b)(via) of Schedule 2

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

199 Subparagraph 2(2)(c)(via) of Schedule 2

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

200 Clause 1 of Schedule 2A

Omit “Emergency Response Fund”, substitute “Disaster Ready Fund”.

201 Clause 5A of Schedule 2A (heading)

Omit “**Emergency Response Fund**”, substitute “**Disaster Ready Fund**”.

202 Subclause 5A(1) of Schedule 2A

Omit “Emergency Response Fund Special Account” (first occurring), substitute “Disaster Ready Fund Special Account”.

203 Subclause 5A(1) of Schedule 2A

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

204 Paragraph 5A(1)(b) of Schedule 2A

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

205 Subclause 5A(2) of Schedule 2A

Omit “Emergency Response Fund Special Account”, substitute “Disaster Ready Fund Special Account”.

Medical Research Future Fund Act 2015

206 Subparagraph 19(a)(ib)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

207 Subparagraph 19(b)(ib)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

208 Subparagraph 19(c)(ib)

Omit “*Emergency Response Fund Act 2019*”, substitute “*Disaster Ready Fund Act 2019*”.

Part 3—Transitional and application provisions

209 Application—copies of directions

The amendments made by items 80, 87, 96, 100 and 104 apply in relation to a direction given after the commencement of this item.

210 Transitional—annual report

- (1) This item applies if:
 - (a) a part of a period mentioned in subsection 81(1) of the *Future Fund Act 2006* occurred before the commencement of this item; and
 - (b) the remainder of the period occurred after the commencement of this item.

- (2) A report under subsection 81(1) of the *Future Fund Act 2006* for the period must include a report of the following during so much of the period as occurred before the commencement of this item:
 - (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*.

Schedule 2—Amendments commencing on 1 July 2023

Part 1—Amendments

Emergency Response Fund Act 2019

1 Paragraph 14(a)

Omit “28 or”.

2 Paragraph 14(b)

Omit “32 or”.

3 Subsection 20(1)

Repeal the subsection.

4 Subsections 20(2), (3) and (4)

Omit “(1) or”.

5 Subsection 20(5)

Omit “Subsections (1) and (1A) do”, substitute “Subsection (1A) does”.

6 Subsections 20(6) and (7)

Repeal the subsections.

7 Section 28

Repeal the section.

8 Paragraph 28A(7)(b)

Omit “or (7)”.

9 Section 32

Repeal the section.

10 Subsection 32A(3)

Omit “or (7)”.

11 Section 33

Omit “32(1)(b) or”.

12 Subsections 34(6) and (7)

Repeal the subsections.

13 Subsection 36(1)

Omit “28,”.

14 Subsection 36(1)

Omit “, 32”.

15 Subsection 59(1)

Omit “28,”.

16 Subsection 59(1)

Omit “, 32”.

17 Subsection 61(3)

Omit “28,”.

18 Subsection 61(3)

Omit “, 32”.

Part 2—Transitional provisions

19 Transitional—pre-commencement arrangements and grants

- (1) If an arrangement made under subsection 20(1) of the *Emergency Response Fund Act 2019* was in force immediately before the commencement of this item:
 - (a) the repeal of that subsection by this Schedule does not affect the continuity of the arrangement; and
 - (b) sections 22 and 23 of the *Disaster Ready Fund Act 2019* continue to apply, after the commencement of this item, in relation to the arrangement.
- (2) If a grant was made under subsection 20(1) of the *Emergency Response Fund Act 2019* before the commencement of this item:
 - (a) the repeal of that subsection by this Schedule does not affect the continuity of an agreement made under subsection 21(2) of that Act in relation to the grant; and
 - (b) sections 21, 22 and 23 of the *Disaster Ready Fund Act 2019* continue to apply, after the commencement of this item, in relation to the grant.

*[Minister's second reading speech made in—
House of Representatives on 7 September 2022
Senate on 21 November 2022]*

(78/22)

No. 65, 2022

*Emergency Response Fund Amendment (Disaster Ready Fund) Act
2022*

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