



Financial Framework (Supplementary Powers) Amendment Act 2024

No. 27, 2024

An Act to amend the *Financial Framework (Supplementary Powers) Act 1997*, and for related 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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Financial Framework (Supplementary Powers) Amendment Act 2024

No. 27, 2024

An Act to amend the *Financial Framework (Supplementary Powers) Act 1997*, and for related purposes

[Assented to 30 May 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Financial Framework (Supplementary Powers) Amendment Act 2024*.

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 May 2024
2. Schedule 1, Parts 1 and 2	The day after this Act receives the Royal Assent.	31 May 2024
3. Schedule 1, items 17 and 18	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of the <i>Administrative Review Tribunal Act 2024</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	14 October 2024 (paragraph (b) applies)
4. Schedule 1, item 19	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of the <i>Australian Research Council Amendment (Review Response) Act 2024</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2024 (paragraph (b) applies)
5. Schedule 1, Part 4	The day after this Act receives the Royal Assent.	31 May 2024

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Main amendments

Financial Framework (Supplementary Powers) Act 1997

1 Section 2A

Omit “the powers” (first occurring), substitute “powers”.

2 Section 2A

Omit “the powers” (second occurring), substitute “these powers”.

3 Section 32B

Repeal the section, substitute:

32B Supplementary powers to make commitments to spend relevant money and other CRF money etc.

- (1) The Commonwealth may make, vary or administer:
 - (a) an arrangement under which relevant money or other CRF money is, or may become, payable by the Commonwealth; or
 - (b) a grant of financial assistance to a State or Territory; or
 - (c) a grant of financial assistance to a person other than a State or Territory.
- (2) However, the Commonwealth may only make, vary or administer an arrangement or grant under subsection (1) if the arrangement or grant, as the case may be:
 - (a) is specified in the regulations; or
 - (b) is included in a class of arrangements or grants, as the case may be, specified in the regulations; or
 - (c) is for the purposes of a program specified in the regulations.

Note: The *Public Governance, Performance and Accountability Act 2013* deals with the use and management of public resources (including relevant money and other CRF money).

- (3) A power conferred on the Commonwealth by subsection (1) may be exercised on behalf of the Commonwealth by a Minister or an accountable authority of a non-corporate Commonwealth entity.

Note: For the power to delegate, see section 32D.

- (4) In this section:

administer:

- (a) in relation to an arrangement—includes give effect to; or
- (b) in relation to a grant—includes make, vary or administer an arrangement that relates to the grant.

arrangement includes contract, agreement or deed.

make, in relation to an arrangement, includes enter into.

vary, in relation to an arrangement or grant, means:

- (a) vary in accordance with the terms or conditions of the arrangement or grant, as the case may be; or
- (b) vary with the consent of the non-Commonwealth party or parties to the arrangement or grant, as the case may be.

4 Subsections 39B(1) and (2)

Repeal the subsections, substitute:

Formation of company etc.

- (1) The Commonwealth may form, or participate in the formation of, a company if, were it to come into existence, the company would be a company:
- (a) that is specified in the regulations; and
 - (b) whose objects or proposed activities are specified in the regulations.

Acquisition of shares in company etc.

- (2) The Commonwealth may acquire shares in, or become a member of, a company in circumstances that would result in the company becoming a Commonwealth company if:
- (a) the company is specified in the regulations; and

Schedule 1 Amendments
Part 1 Main amendments

- (b) the company's objects or proposed activities are specified in the regulations.

Part 2—Consequential amendments

Asbestos and Silica Safety and Eradication Agency Act 2013

5 Subsection 8(5)

Repeal the subsection (including the note).

Biosecurity Act 2015

6 Section 614E

Repeal the section.

Disability Services and Inclusion Act 2023

7 Section 12

Omit:

This Part operates concurrently with the power to make arrangements and grants of financial assistance under section 32B of the *Financial Framework (Supplementary Powers) Act 1997* or Chapter 2D of the *Social Security Act 1991*.

substitute:

This Part operates concurrently with the power to make arrangements and grants of financial assistance under other laws of the Commonwealth including section 32B of the *Financial Framework (Supplementary Powers) Act 1997* and Chapter 2D of the *Social Security Act 1991*.

8 Section 17

Repeal the section, substitute:

17 Relationship with other laws

This Part does not, by implication, limit the Commonwealth's power to make, vary or administer an arrangement or grant under another law of the Commonwealth including:

- (a) subsection 32B(1) of the *Financial Framework (Supplementary Powers) Act 1997*; and
- (b) Chapter 2D of the *Social Security Act 1991* (about arrangements and grants relating to assisting persons to obtain and maintain paid work).

Industry Research and Development Act 1986

9 Section 37 (heading)

Omit "*certain other Acts*", substitute "*the Public Governance, Performance and Accountability Act 2013*".

10 Subsection 37(1)

Omit "(1)".

11 Subsection 37(2)

Repeal the subsection.

Research Involving Human Embryos Act 2002

12 Section 46C (heading)

Omit "*certain other Acts*", substitute "*the Public Governance, Performance and Accountability Act 2013*".

13 Subsection 46C(1)

Omit "(1)".

14 Subsection 46C(2)

Repeal the subsection.

Social Security Act 1991

15 Subsection 1062A(5B)

Repeal the subsection.

Water Act 2007

16 Section 86ADA

Repeal the section.

Part 3—Contingent amendments

Administrative Review Tribunal Act 2024

17 Subsection 59(4)

Repeal the subsection (including the note).

18 Subsection 294(10)

Repeal the subsection (including the note).

Australian Research Council Act 2001

19 Section 57

Repeal the section.

Part 4—Validation and saving provisions

20 Validation—arrangements etc.

- (1) This item applies if, at a time before the commencement of this item (the *relevant time*):
 - (a) the Commonwealth purported to make, vary or administer an arrangement or grant under section 32B of the *Financial Framework (Supplementary Powers) Act 1997* as in force at the relevant time (the *old Act*); and
 - (b) the Commonwealth did not (apart from this item) have the power under section 32B of the old Act to make, vary or administer that arrangement or grant merely because it had the power to do so apart from subsection (1) of that section.
- (2) The Commonwealth is taken to have had, at the relevant time, the power under section 32B of the old Act to make, vary or administer that arrangement or grant even though it had the power to do so apart from subsection (1) of that section.

21 Saving—arrangements etc.

Regulations made for the purposes of paragraph 32B(1)(b) of the *Financial Framework (Supplementary Powers) Act 1997* that were in force immediately before the commencement of this item continue in force (and may be dealt with) as if they had been made for the purposes of subsection 32B(2) of that Act as amended by this Schedule.

22 Validation—formation of company etc.

- (1) This item applies if, at a time before the commencement of this item (the *relevant time*):
 - (a) the Commonwealth purported to form, or participate in the formation of, a company under section 39B of the *Financial Framework (Supplementary Powers) Act 1997* as in force at the relevant time (the *old Act*); and
 - (b) the Commonwealth did not (apart from this item) have the power under section 39B of the old Act to form, or participate in the formation of, the company merely because it had the power to do so apart from subsection (1) of that section.

- (2) The Commonwealth is taken to have had, at the relevant time, the power under section 39B of the old Act to form, or participate in the formation of, the company even though it had the power to do so apart from subsection (1) of that section.

23 Validation—acquisition of shares in company etc.

- (1) This item applies if, at a time before the commencement of this item (the *relevant time*):
- (a) the Commonwealth purported to acquire shares in, or become a member of, a company under section 39B of the *Financial Framework (Supplementary Powers) Act 1997* as in force at the relevant time (the *old Act*); and
 - (b) the Commonwealth did not (apart from this item) have the power under section 39B of the old Act to acquire shares in, or become a member of, the company merely because it had the power to do so apart from subsection (2) of that section.
- (2) The Commonwealth is taken to have had, at the relevant time, the power under section 39B of the old Act to acquire shares in, or become a member of, the company even though it had the power to do so apart from subsection (2) of that section.

24 Saving—companies etc.

- (1) Regulations made for the purposes of subparagraphs 39B(1)(b)(i) and (2)(b)(i) of the *Financial Framework (Supplementary Powers) Act 1997* that were in force immediately before the commencement of this item continue in force (and may be dealt with) as if they had been made for the purposes of paragraphs 39B(1)(a) and (2)(a) of that Act as amended by this Schedule.
- (2) Regulations made for the purposes of subparagraphs 39B(1)(b)(ii) and (2)(b)(ii) of the *Financial Framework (Supplementary Powers) Act 1997* that were in force immediately before the commencement of this item continue in force (and may be dealt with) as if they had been made for the purposes of paragraphs 39B(1)(b) and (2)(b) of that Act as amended by this Schedule.

*[Minister's second reading speech made in—
Senate on 7 February 2024
House of Representatives on 15 May 2024]*

(1/24)

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