



COAG Legislation Amendment Act 2024

No. 54, 2024

**An Act to make amendments to deal with the
cessation of the Council of Australian Governments
and for related purposes**

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

Contents

1	Short title.....	1
2	Commencement	2
3	Schedules	3
Schedule 1—Amendments of references to COAG Reform Fund etc.		4
Part 1—Amendment of the COAG Reform Fund Act 2008		4
<i>COAG Reform Fund Act 2008</i>		4
Part 2—Amendments of other Acts		6
<i>DisabilityCare Australia Fund Act 2013</i>		6
<i>Disaster Ready Fund Act 2019</i>		6
<i>Federal Financial Relations Act 2009</i>		6
<i>Fuel Indexation (Road Funding) Special Account Act 2015</i>		7
<i>Future Drought Fund Act 2019</i>		7
<i>Housing Australia Future Fund Act 2023</i>		7
<i>Medical Research Future Fund Act 2015</i>		7
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>		8
<i>Proceeds of Crime Act 2002</i>		8
Part 3—Other bulk amendments		9
<i>DisabilityCare Australia Fund Act 2013</i>		9
<i>Disaster Ready Fund Act 2019</i>		9
<i>Federal Financial Relations Act 2009</i>		10
<i>Fuel Indexation (Road Funding) Special Account Act 2015</i>		10
<i>Future Drought Fund Act 2019</i>		11
<i>Housing Australia Future Fund Act 2023</i>		11
<i>Medical Research Future Fund Act 2015</i>		12
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>		12
<i>Proceeds of Crime Act 2002</i>		12
Schedule 2—Amendments of references to COAG and Ministerial Council etc.		14
Part 1—Main amendments		14

<i>Australian Curriculum, Assessment and Reporting Authority Act 2008</i>	14
<i>Australian Education Act 2013</i>	14
<i>Australian National Preventive Health Agency Act 2010</i>	15
<i>Biological Control Act 1984</i>	15
<i>Defence (Road Transport Legislation Exemption) Act 2006</i>	16
<i>Fisheries Management Act 1991</i>	16
<i>Healthcare Identifiers Act 2010</i>	16
<i>My Health Records Act 2012</i>	16
<i>National Disability Insurance Scheme Act 2013</i>	17
<i>National Health Reform Act 2011</i>	18
<i>National Transport Commission Act 2003</i>	22
<i>National Vocational Education and Training Regulator Act 2011</i>	25
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	25
Part 2—Contingent amendments	27
Division 1—Amendments contingent on the Infrastructure Australia Amendment (Independent Review) Act 2023	27
<i>Infrastructure Australia Act 2008</i>	27
Division 2—Amendments contingent to the Water Amendment (Restoring Our Rivers) Act 2023	27
<i>Water Act 2007</i>	27
Part 3—Application, transitional and saving provisions	29



COAG Legislation Amendment Act 2024

No. 54, 2024

**An Act to make amendments to deal with the
cessation of the Council of Australian Governments
and for related purposes**

[Assented to 5 July 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *COAG Legislation 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.	5 July 2024
2. Schedule 1	The day after this Act receives the Royal Assent.	6 July 2024
3. Schedule 2, Part 1	The day after this Act receives the Royal Assent.	6 July 2024
4. Schedule 2, Part 2, Division 1	The day after this Act receives the Royal Assent. However, the provisions do not commence at all if Part 1 of Schedule 1 to the <i>Infrastructure Australia Amendment (Independent Review) Act 2023</i> commences on or before that time.	Never commenced
5. Schedule 2, Part 2, Division 2	The day after this Act receives the Royal Assent. However, the provisions do not commence at all if Schedule 5 to the <i>Water Amendment (Restoring Our Rivers) Act 2023</i> commences on or before that time.	Never commenced
6. Schedule 2, Part 3	The day after this Act receives the Royal Assent.	6 July 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 of references to COAG Reform Fund etc.

Part 1—Amendment of the COAG Reform Fund Act 2008

COAG Reform Fund Act 2008

1 Title

Omit “COAG”, substitute “**Federation**”.

2 Section 1

Omit “COAG”, substitute “*Federation*”.

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

Omit “COAG” (wherever occurring), substitute “Federation”.

4 Part 2 (heading)

Omit “COAG”, substitute “**Federation**”.

5 Section 5 (heading)

Omit “COAG”, substitute “**Federation**”.

6 Section 5

Omit “COAG” (wherever occurring), substitute “Federation”.

7 Section 6 (heading)

Omit “COAG”, substitute “**Federation**”.

8 Section 6

Omit “COAG”, substitute “Federation”.

9 Section 7

Omit “COAG” (wherever occurring), substitute “Federation”.

Part 2—Amendments of other Acts

DisabilityCare Australia Fund Act 2013

10 Section 4 (definition of COAG Reform Fund)

Repeal the definition.

11 Section 4

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Disaster Ready Fund Act 2019

12 Section 4 (definition of COAG Reform Fund)

Repeal the definition.

13 Section 4

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Federal Financial Relations Act 2009

14 Section 4 (definition of COAG Reform Fund)

Repeal the definition.

15 Section 4

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Fuel Indexation (Road Funding) Special Account Act 2015

16 Section 4 (definition of COAG Reform Fund)

Repeal the definition.

17 Section 4

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Future Drought Fund Act 2019

18 Section 5 (definition of COAG Reform Fund)

Repeal the definition.

19 Section 5

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Housing Australia Future Fund Act 2023

20 Section 4 (definition of COAG Reform Fund)

Repeal the definition.

21 Section 4

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Medical Research Future Fund Act 2015

22 Section 5 (definition of COAG Reform Fund)

Repeal the definition.

23 Section 5

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Offshore Petroleum and Greenhouse Gas Storage Act 2006

24 Section 7 (definition of COAG Reform Fund)

Repeal the definition.

25 Section 7

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

26 Paragraph 75(5)(a)

Omit “COAG”, substitute “Federation”.

Proceeds of Crime Act 2002

27 Section 338 (definition of COAG Reform Fund)

Repeal the definition.

28 Section 338

Insert:

Federation Reform Fund means the Federation Reform Fund established by section 5 of the *Federation Reform Fund Act 2008*.

Part 3—Other bulk amendments

29 Amendments of listed provisions—references to COAG Reform Fund

Omit “COAG Reform Fund” (wherever occurring) and substitute “Federation Reform Fund” in the specified provisions of the Acts listed in this Part.

DisabilityCare Australia Fund Act 2013

30 Sections 3 and 9

31 Paragraph 14(a)

32 Section 18 (heading)

33 Paragraph 18(1)(b)

34 Subsection 18(2)

35 Section 21 (heading)

36 Paragraph 21(1)(b)

37 Subsection 21(2) (heading)

38 Subsection 21(2)

39 Paragraph 22(1)(a)

40 Subsection 22(1) (note)

Disaster Ready Fund Act 2019

41 Sections 3 and 8

42 Paragraph 14(b)

43 Section 19

44 Subsection 28A(4) (note)

45 Division 4 of Part 3 (heading)

46 Section 32A (heading)

47 Subsections 32A(1A) to (2)

48 Section 33 (heading)

49 Section 33

Federal Financial Relations Act 2009

50 Paragraphs 9(2)(a) and (b), (3)(a) and (b) and (4)(a) and (b)

51 Paragraphs 16(2)(a) and (b), (3)(a) and (b) and (4)(a) and (b)

Fuel Indexation (Road Funding) Special Account Act 2015

52 Section 3

53 Subsection 9(1)

54 Section 10 (heading)

55 Subsection 10(1)

56 Paragraph 10(2)(b)

57 Subsection 10(3)

58 Section 11 (heading)

59 Paragraph 11(1)(b)

60 Subsection 11(2) (heading)

61 Subsection 11(2)

62 Paragraph 12(1)(a)

63 Subsection 12(1) (note)

Future Drought Fund Act 2019

64 Paragraph 15(c)

65 Section 20

66 Paragraph 36(c)

67 Division 5A of Part 3 (heading)

68 Section 36AA (heading)

69 Paragraph 36AA(1)(b)

70 Subsection 36AA(2)

71 Section 36AB (heading)

72 Section 36AB

Housing Australia Future Fund Act 2023

73 Sections 3 and 8

74 Paragraph 12(b)

75 Section 17

76 Subsection 26(1) (note)

77 Division 4 of Part 3 (heading)

78 Section 29 (heading)

79 Subsections 29(1) to (3)

80 Section 30 (heading)

81 Subsection 30(1)

82 Paragraph 30(2)(a)

Medical Research Future Fund Act 2015

83 Sections 4 and 10

84 Paragraph 17(a)

85 Subdivision C of Division 4 of Part 2 (heading)

86 Section 20 (heading)

87 Paragraph 20(1)(b)

88 Subsection 20(2)

89 Section 21 (heading)

90 Subsection 21(1)

91 Paragraphs 21(2)(a) and 58(1)(a)

Offshore Petroleum and Greenhouse Gas Storage Act 2006

92 Subsection 75(3) (heading)

93 Subsections 75(3) and (4)

Proceeds of Crime Act 2002

94 Paragraph 297(ba)

95 Section 298E (heading)

96 Paragraph 298E(1)(b)

97 Subsection 298E(2)

98 Section 298F (heading)

99 Section 298F

Schedule 2—Amendments of references to COAG and Ministerial Council etc.

Part 1—Main amendments

Australian Curriculum, Assessment and Reporting Authority Act 2008

1 Section 3 (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to education.

Australian Education Act 2013

2 Preamble

Omit “the Council of Australian Governments and the Education Council”, substitute “the First Ministers’ Council and the Ministerial Council”.

3 Section 6

Insert:

First Ministers’ Council means a body (however described) that consists only of, or that includes, the following:

- (a) the Prime Minister;
- (b) the Premiers of each State;
- (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

4 Section 6 (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of

each State and Territory, who is responsible, or principally responsible, for matters relating to school education.

Australian National Preventive Health Agency Act 2010

5 Section 3 (definition of *Ministerial Conference*)

Repeal the definition.

6 Section 3

Insert:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to health.

7 Paragraphs 11(1)(b) and (3)(a) and (b)

Omit “Conference” (wherever occurring), substitute “Council”.

8 Subsections 11(4), 14(3), 22(2), 31(4), 39(2), 40(3) and (4), 44(2) and (3), 45(5) and (6), 47(2) and (3) and 48(1)

Omit “Conference”, substitute “Council”.

9 Section 55 (heading)

Omit “Conference”, substitute “Council”.

10 Section 55

Omit “Conference” (wherever occurring), substitute “Council”.

Biological Control Act 1984

11 Subsection 2(1) (definition of *Council*)

Repeal the definition, substitute:

Council means:

- (a) if there is a body (however described) that consists of the Minister of the Commonwealth, the Minister of each State and Territory and the Minister of New Zealand who is

- responsible, or principally responsible, for matters relating to agriculture—that body; or
- (b) otherwise—a body prescribed by the regulations for the purposes of this paragraph.

Defence (Road Transport Legislation Exemption) Act 2006

12 Section 3 (definition of *Australian Transport Council*)

Repeal the definition.

13 Section 3 (definition of *Exemption Framework*)

Omit “and endorsed by the Australian Transport Council on 18 November 2005”.

Fisheries Management Act 1991

14 Subsection 4(1) (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to fisheries.

Healthcare Identifiers Act 2010

15 Section 5 (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to health.

My Health Records Act 2012

16 Section 5

Insert:

Health Chief Executives Forum means a body (however described) that consists of:

- (a) the Secretary of the Department; and
- (b) each head (however described) of the Health Department of a State or Territory.

17 Section 5 (definition of Ministerial Council)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to health.

18 Paragraph 109(2)(b)

Repeal the paragraph, substitute:

- (b) the Health Chief Executives Forum.

19 Subclause 1(3) of Schedule 1

Omit “a subcommittee of the Ministerial Council, prescribed by the regulations for the purposes of this subclause”, substitute “the Health Chief Executives Forum”.

National Disability Insurance Scheme Act 2013

20 Subparagraph 3(3)(c)(i)

Omit “COAG”, substitute “the Council of Australian Governments”.

21 Section 9 (definition of COAG)

Repeal the definition.

22 Section 9

Insert:

First Ministers’ Council means a body (however described) that consists only of, or that includes, the following:

- (a) the Prime Minister;
- (b) the Premiers of each State;

- (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

23 Section 9 (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to the National Disability Insurance Scheme.

24 Paragraph 12(1)(c)

Omit “COAG”, substitute “the First Ministers’ Council”.

National Health Reform Act 2011

25 Section 5 (definition of COAG)

Repeal the definition.

26 Section 5

Insert:

First Ministers’ Council means a body (however described) that consists only of, or that includes, the following:

- (a) the Prime Minister;
- (b) the Premiers of each State;
- (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

Health Chief Executives Forum means a body (however described) that consists of:

- (a) the Secretary; and
- (b) each head (however described) of the Health Department of a State or Territory.

27 Section 5 (paragraph (b) of the definition of *intergovernmental agreement*)

Repeal the paragraph, substitute:

- (b) a written resolution of the First Ministers' Council passed in accordance with the procedures determined by that Council.

28 Section 5 (definition of *Ministerial Conference*)

Repeal the definition.

29 Section 5

Insert:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to health.

30 Section 5 (definition of *National Health Reform Agreement*)

Omit "COAG", substitute "the Council of Australian Governments".

31 Section 5 (definition of *Standing Council on Health*)

Repeal the definition.

32 Paragraphs 54H(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) the Ministerial Council;
- (c) Health Chief Executives Forum;

33 Paragraph 131(1)(m)

Omit "COAG", substitute "the First Ministers' Council".

34 Subsection 131(2)

Repeal the subsection, substitute:

- (2) The First Ministers' Council is to give its agreement for the purposes of paragraph (1)(m) by a written resolution of that Council passed in accordance with the procedures determined by that Council.

35 Section 133 (heading)

Omit "COAG", substitute "**First Ministers' Council**".

36 Subsection 133(1)

Omit “COAG”, substitute “The First Ministers’ Council”.

37 Subsection 133(2)

Omit “COAG passed in accordance with the procedures determined by COAG”, substitute “the First Ministers’ Council passed in accordance with the procedures determined by that Council”.

38 Subsection 146(5) (heading)

Omit “*Standing Council on Health*”, substitute “*Ministerial Council*”.

39 Subsections 146(5) and (6) and 179(2)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

40 Section 209 (heading)

Omit “**Standing Council on Health**”, substitute “**Ministerial Council**”.

41 Subsections 209(1) and (2)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

42 Paragraphs 220(1)(c) and (d)

Repeal the paragraphs, substitute:

(c) the Ministerial Council;

(d) Health Chief Executives Forum;

43 Paragraph 220(1)(h)

Omit “COAG”, substitute “the First Ministers’ Council”.

44 Subsection 220(2)

Repeal the subsection, substitute:

- (2) The First Ministers’ Council is to give its agreement for the purposes of paragraph (1)(h) by a written resolution of that Council passed in accordance with the procedures determined by that Council.

45 Subsection 226(2)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

46 Section 230 (heading)

Repeal the heading, substitute:

230 Constitution of Ministerial Council etc.

47 Subsection 230(1)

Repeal the subsection.

48 Subsection 230(2)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

49 Subsection 230(2)

Omit “this Part”, substitute “Part 5.2”.

50 Subsections 230(3) and (4)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

51 Subsections 232(1) to (3)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

52 Sections 234, 235 and 236

Omit “Standing Council on Health” (wherever occurring), substitute “Ministerial Council”.

53 Subsections 238(3) and (4)

Omit “given by COAG”, substitute “given by the First Ministers’ Council”.

54 Paragraph 238(4)(a)

Omit “COAG passed in accordance with the procedures determined by COAG”, substitute “the First Ministers’ Council passed in accordance with the procedures determined by that Council”.

55 Section 246

Omit “COAG”, substitute “the First Ministers’ Council”.

56 Paragraph 268(2)(f)

Omit “COAG”, substitute “the First Ministers’ Council”.

57 Paragraphs 275(1)(e) and (f)

Repeal the paragraphs, substitute:

- (e) the Ministerial Council;
- (f) Health Chief Executives Forum;

58 Paragraph 275(1)(j)

Omit “COAG”, substitute “the First Ministers’ Council”.

59 Subsection 275(2)

Repeal the subsection, substitute:

- (2) The First Ministers’ Council is to give its agreement for the purposes of paragraph (1)(j) by a written resolution of that Council passed in accordance with the procedures determined by that Council.

60 Subsection 282(3)

Omit “Standing Council on Health”, substitute “Ministerial Council”.

National Transport Commission Act 2003

61 Subparagraphs 3(b)(i) and (ii)

Omit “Australian Transport”, substitute “Ministerial”.

62 Section 4 (definition of *Australian Transport Council*)

Repeal the definition.

63 Section 4

Insert:

Ministerial Council means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of

each State and Territory, who is responsible, or principally responsible, for matters relating to transport.

64 Section 4 (definition of *road transport legislation*)

Omit “Australian Transport”, substitute “Ministerial”.

65 Paragraph 6(1)(c)

Omit “Australian Transport”, substitute “Ministerial”.

66 Section 8 (heading)

Omit “**Australian Transport**”, substitute “**Ministerial**”.

67 Sections 8, 12, 13, 16 and 17

Omit “Australian Transport” (wherever occurring), substitute “Ministerial”.

68 Subsection 19(3)

Omit “Australian Transport”, substitute “Ministerial”.

69 Sections 20 and 21

Omit “Australian Transport”, substitute “Ministerial”.

70 Subsections 22(2), (3), (4) and (6)

Omit “Australian Transport”, substitute “Ministerial”.

71 Subsection 23(1)

Omit “Australian Transport”, substitute “Ministerial”.

72 Subsections 25(1), (2), (4), (5) and (7)

Omit “Australian Transport”, substitute “Ministerial”.

73 Subsection 37(1)

Omit “Australian Transport”, substitute “Ministerial”.

74 Subsection 37(2)

Omit “Australian Transport” (wherever occurring), substitute “Ministerial”.

75 Subsections 37(3) and (4)

Omit “Australian Transport”, substitute “Ministerial”.

76 Subsections 38(2), 40(3), 41(2) and 48(2)

Omit “Australian Transport”, substitute “Ministerial”.

77 Section 49 (heading)

Omit “Australian Transport”, substitute “**Ministerial**”.

78 Subsection 49(1)

Omit “Australian Transport” (wherever occurring), substitute “Ministerial”.

79 Subsections 49(2) to (4)

Omit “Australian Transport”, substitute “Ministerial”.

80 Section 50 (heading)

Omit “Australian Transport Council”, substitute “**Ministerial Council etc.**”.

81 Paragraph 50(1)(a)

Omit “Australian Transport” (wherever occurring), substitute “Ministerial”.

82 Subsection 50(1)

Omit “Australian Transport Council or the” (wherever occurring), substitute “Ministerial Council or the former”.

83 Paragraphs 50(2)(a) and (b)

Omit “Australian Transport”, substitute “Ministerial”.

84 Subsections 50(3), (4) and (5)

Omit “Australian Transport” (wherever occurring), substitute “Ministerial”.

85 Subsection 50(6)

Repeal the subsection, substitute:

(6) In this section:

former Ministerial Council means the Ministerial Council for Road Transport that was established by the Heavy Vehicles Agreement (within the meaning of the repealed *National Road Transport Commission Act 1991*, as that Agreement was in force before the commencement of subsection 44(6) of that Act).

86 Subsection 51(1)

Omit “Australian Transport”, substitute “Ministerial”.

National Vocational Education and Training Regulator Act 2011

87 Section 3 (paragraph (a) of the definition of *Ministerial Council*)

Repeal the paragraph, substitute:

- (a) if there is a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to training and skills—that body; or

Offshore Petroleum and Greenhouse Gas Storage Act 2006

88 Section 7 (definition of *Ministers responsible for mineral and energy resources matters*)

Repeal the definition, substitute:

Ministers responsible for mineral and energy resources matters means a body (however described) that consists of the Minister of the Commonwealth, the Minister of each State and Territory and the Minister of New Zealand who is responsible, or principally responsible, for matters relating to energy or resources (or both).

89 Section 643 (paragraph (a) of the definition of *Greenhouse Gas Storage Ministerial Council*)

Repeal the paragraph, substitute:

- (a) if there is a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to:
 - (i) the injection of greenhouse gas substances into parts of geological formations; and
 - (ii) the permanent storage of greenhouse gas substances in parts of geological formations;that body; or

Part 2—Contingent amendments

Division 1—Amendments contingent on the Infrastructure Australia Amendment (Independent Review) Act 2023

Infrastructure Australia Act 2008

90 Section 3 (definition of COAG)

Repeal the definition.

91 Subsection 6(2)

Repeal the subsection, substitute:

- (2) In giving directions under subsection (1), the Minister may have regard to any relevant decisions of a body (however described) that consists only of, or that includes, the following:
- (a) the Prime Minister;
 - (b) the Premiers of each State;
 - (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

Division 2—Amendments contingent to the Water Amendment (Restoring Our Rivers) Act 2023

Water Act 2007

92 Section 4

Insert:

First Ministers' Council means a body (however described) that consists only of, or that includes, the following:

- (a) the Prime Minister;
- (b) the Premiers of each State;
- (c) the Chief Ministers of the Australian Capital Territory and Northern Territory.

93 Paragraph 88(4)(a)

Omit “Council of Australian Governments”, substitute “First Ministers’ Council”.

Part 3—Application, transitional and saving provisions

94 Definitions

In this Part:

amended Act means an Act amended by Part 1 or Part 2 of this Schedule.

ANPHA Act means the *Australian National Preventive Health Agency Act 2010*.

Australian Transport Council has the same meaning as in the NTC Act, as in force immediately before the commencement time.

BC Act means the *Biological Control Act 1984*.

COAG means the Council of Australian Governments.

commencement time means the commencement of this Part.

Council has the same meaning as in the BC Act, as in force immediately before the commencement time.

First Ministers' Council means the First Ministers' Council within the meaning of a particular amended Act, as amended by Part 1 or Part 2 of this Schedule.

former Ministerial Council means a Ministerial Council within the meaning of a particular amended Act, as in force immediately before the commencement time.

Ministerial Conference has the same meaning as in the ANPHA Act, as in force immediately before the commencement time.

new Ministerial Council means a Ministerial Council within the meaning of a particular amended Act, as amended by Part 1 of this Schedule.

NHR Act means the *National Health Reform Act 2011*.

NTC Act means the *National Transport Commission Act 2003*.

Standing Council on Health has the same meaning as in the NHR Act, as in force immediately before the commencement time.

95 Things done by, or in relation to, COAG

Anything done by, or in relation to, COAG under, or for the purposes of, a particular amended Act before the commencement time has effect after that time as if the thing had been done by, or in relation to:

- (a) if the amended Act is the *Infrastructure Australia Act 2008*—the body described in subsection 6(2) of that Act (as amended by Part 2 of this Schedule); or
- (b) otherwise—the First Ministers’ Council under, or for the purposes of, that particular amended Act.

96 Things started but not finished by COAG

(1) This item applies if:

- (a) before the commencement time, COAG started doing a thing under, or for the purposes of, a particular amended Act; and
- (b) immediately before that time, COAG had not finished doing that thing.

(2) After the commencement time:

- (a) if the amended Act is the *Infrastructure Australia Act 2008*—the body described in subsection 6(2) of that Act (as amended by Part 2 of this Schedule); or
- (b) otherwise—the First Ministers’ Council under, or for the purposes of, that particular amended Act;

may finish doing the thing under, or for the purposes of, that particular amended Act.

97 Things done by, or in relation to, a former Ministerial Council

Anything done by, or in relation to, a former Ministerial Council under, or for the purposes of, a particular amended Act before the commencement time has effect after that time as if the thing had been done by, or in relation to, a new Ministerial Council under, or for the purposes of, that particular amended Act.

98 Things started but not finished by a former Ministerial Council

(1) This item applies if:

- (a) before the commencement time, a former Ministerial Council started doing a thing under, or for the purposes of, a particular amended Act; and
 - (b) immediately before that time, the former Ministerial Council had not finished doing that thing.
- (2) A new Ministerial Council may, after the commencement time, finish doing the thing under, or for the purposes of, that particular amended Act.

99 Things done by, or in relation to, the Ministerial Conference

Anything done by, or in relation to, the Ministerial Conference under, or for the purposes of, the ANPHA Act before the commencement time has effect after that time as if the thing had been done by, or in relation to, the Ministerial Council (within the meaning of that Act, as amended by Part 1 of this Schedule) under, or for the purposes of, that Act.

100 Things started but not finished by the Ministerial Conference

- (1) This item applies if:
 - (a) before the commencement time, the Ministerial Conference started doing a thing under, or for the purposes of, the ANPHA Act; and
 - (b) immediately before that time, the Ministerial Conference had not finished doing that thing.
- (2) The Ministerial Council (within the meaning of the ANPHA Act, as amended by Part 1 of this Schedule) may, after the commencement time, finish doing the thing under, or for the purposes of, that Act.

101 Things done by, or in relation to, the Standing Council on Health

Anything done by, or in relation to, the Standing Council on Health under, or for the purposes of, the NHR Act before the commencement time has effect after that time as if the thing had been done by, or in relation to, the Ministerial Council (within the meaning of that Act, as amended by Part 1 of this Schedule) under, or for the purposes of, that Act.

102 Things started but not finished by the Standing Council on Health

- (1) This item applies if:
 - (a) before the commencement time, the Standing Council on Health started doing a thing under, or for the purposes of, the NHR Act; and
 - (b) immediately before that time, the Standing Council on Health had not finished doing that thing.
- (2) The Ministerial Council (within the meaning of the NHR Act, as amended by Part 1 of this Schedule) may, after the commencement time, finish doing the thing under, or for the purposes of, that Act (as amended by that Part).

103 Things done by, or in relation to, the Council

Anything done by, or in relation to, the Council under, or for the purposes of, the BC Act before the commencement time has effect after that time as if the thing had been done by, or in relation to, the Council (within the meaning of that Act, as amended by Part 1 of this Schedule) under, or for the purposes of, that Act.

104 Things started but not finished by the Council

- (1) This item applies if:
 - (a) before the commencement time, the Council started doing a thing under, or for the purposes of, the BC Act; and
 - (b) immediately before that time, the Council had not finished doing that thing.
- (2) The Council (within the meaning of the BC Act, as amended by Part 1 of this Schedule) may, after the commencement time, finish doing the thing under, or for the purposes of, that Act.

105 Things done by, or in relation to, the Australian Transport Council

Anything done by, or in relation to, the Australian Transport Council under, or for the purposes of, the NTC Act before the commencement time has effect after that time as if the thing had been done by, or in relation to, the Ministerial Council (within the meaning of that Act, as amended by Part 1 of this Schedule) under, or for the purposes of, that Act.

106 Things started but not finished by the Australian Transport Council

- (1) This item applies if:
 - (a) before the commencement time, the Australian Transport Council started doing a thing under, or for the purposes of, the NTC Act; and
 - (b) immediately before that time, the Australian Transport Council had not finished doing that thing.
- (2) The Ministerial Council (within the meaning of the NTC Act, as amended by Part 1 of this Schedule) may, after the commencement time, finish doing the thing under, or for the purposes of, that Act.

107 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 Act.
- (2) 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.

Schedule 2 Amendments of references to COAG and Ministerial Council etc.

Part 3 Application, transitional and saving provisions

- (3) This Schedule (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).
-

*[Minister's second reading speech made in—
House of Representatives on 29 November 2023
Senate on 8 February 2024]*

(166/23)
