

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 7 May 1992

(Minister for Local Government)

A BILL

FOR

An Act to amend the *Local Government (Financial Assistance) Act 1986*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Local Government (Financial Assistance) Amendment Act 1992*.

5 **(2)** In this Act, "**Principal Act**" means the *Local Government (Financial Assistance) Act 1986*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. Section 3 of the Principal Act is amended:

- (a) by omitting "1992" from the definition of "base figure" and substituting "1995";
- (b) by omitting subparagraph (c)(ii) of that definition and substituting the following subparagraphs:
 - "(ii) the year commencing on 1 July 1992; or
 - (iii) the year commencing on 1 July 1993; or
 - (iv) the year commencing on 1 July 1994; or
 - (v) the year commencing on 1 July 1996 or a subsequent year;"

Additional untied funding

4. Section 10A of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsections:

"(2A) Subject to this section and to section 10C, each State is entitled to the payment in respect of a year ('**current year**'), being: 15

- (a) the year commencing on 1 July 1992; or
- (b) the year commencing on 1 July 1993; or
- (c) the year commencing on 1 July 1994;

by way of financial assistance for local government purposes, of the amount worked out using the formula: 20

$$\text{Previous year untied funding} \times \text{Estimated factor}$$

where:

'**Previous year untied funding**' means the amount that would have been payable to the State under this section for the year preceding the current year if that amount had been calculated using the final factor for that preceding year instead of the estimated factor; 25

'**Estimated factor**' means the estimated factor for the current year.

"(2B) Subject to this section and to section 10C, Tasmania and the Northern Territory are entitled to the payment, in respect of the year commencing on 1 July 1992, by way of financial assistance for local government purposes, of the amount calculated using the formula: 30

$$\text{Estimated factor} \times \text{Gazetted amount}$$

where:

'**Estimated factor**' means the estimated factor for the year; 35

'**Gazetted amount**' means the amount determined by the Minister, by notice published in the *Gazette*, to be the gazetted amount in relation to that State.

"(2C) The amount determined for the purposes of the definition of '**Gazetted amount**' in subsection (2B) is to be less than: 40

- (a) in the case of Tasmania—\$4,410,000; or
- (b) in the case of the Northern Territory—\$12,100,000.

“(3) A State is not entitled to a payment under this section in respect of a year until 15 August in that year.

- 5 “(4) A State is not entitled to a payment under this section in respect of a year unless a notice under section 5 has been given in relation to that year.”.

Adjustment consequential on difference between estimated and final factor—section 10A payments

10 5. Section 10B of the Principal Act is amended:

- (a) by omitting from subsection (1) “the year commencing on 1 July 1991” and substituting “a relevant year”;
- (b) by inserting in the definitions of “Final factor amount” and “Estimated factor amount” in subsection (1) “in respect of that year” after “section 10A”;
- (c) by omitting from subsection (2) “the year commencing on 1 July 1991” and substituting “a relevant year”;
- (d) by inserting in the definitions of “Estimated factor amount” and “Final factor amount” in subsection (2) “in respect of that year” after “section 10A”;
- (e) by omitting subsection (3) and substituting the following subsection:

25 “(3) If an amount is payable to a State under subsection (1) in respect of a year, nothing in this Act prevents that amount from being paid to the State together with a payment to which the State is entitled under section 7 in respect of the next succeeding year.”;

- (f) by adding at the end the following subsection:

30 “(6) A reference in this section to a relevant year is a reference to a year commencing on 1 July 1991, 1 July 1992, 1 July 1993 or 1 July 1994.”.

Allocation amongst local governing bodies—section 10A payments

6. Section 10C of the Principal Act is amended by inserting after paragraph (1)(d) the following paragraph:

- 35 “(da) in the case of an amount under subsection 10A(2A) or (2B)—the Commission has made its recommendations in accordance with any relevant principles approved or determined by the Minister, being principles that relate to expenditure on roads by local governing bodies; and”.

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NOTE

1. No. 79, 1986, as amended. For previous amendments, see Nos. 45 and 141, 1987; No. 50, 1988; No. 62, 1989; and No. 78, 1991.

