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ELIZABETHAE II REGINAE

A.D. 1982

No. 89 of 1982

An Act to amend the Public Finance Act, 1936-1981.

[Assented to 14 October 1982]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Public Finance Act Amendment Act, 1982".

(2) The Public Finance Act, 1936-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Finance Act, 1936-1982".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Insertion of new Part VI C.

3. The following Part is inserted after Part VI B of the principal Act:

PART VI C

CREDIT ARRANGEMENTS, GUARANTEES AND INDEMNITIES

Interpretation.

32k. (1) In this Part—

"credit arrangement" means a contract or arrangement under which a prescribed authority—

(a) borrows money;

(b) obtains immediately or prospectively the use or benefit of property owned by some other person;

or

(c) obtains any other form of financial accommodation,

but does not include a contract or arrangement of a kind excluded by the Treasurer, by notice published in the *Gazette*, from the ambit of this definition:

“guarantee” includes a contract or arrangement of a prescribed kind:

“prescribed authority” means an authority or body established by Act of Parliament and declared by proclamation to be a prescribed authority.

(2) This Part applies to credit arrangements, guarantees, indemnities and other contracts and arrangements whether entered into before or after the commencement of the Public Finance Act Amendment Act, 1982.

(3) The Governor may, by proclamation, declare an authority or body established by Act of Parliament to be a prescribed authority and may, by subsequent proclamation, vary or revoke such a declaration.

32l. (1) A prescribed authority may, with the consent of the Treasurer, enter into a credit arrangement on terms and conditions approved by the Treasurer. Credit arrangements.

(2) Notwithstanding the provisions of any other Act, a prescribed authority shall not enter into a credit arrangement without the consent of the Treasurer.

(3) The consent of the Treasurer under this section—

(a) may be absolute or conditional;

and

(b) may relate to a particular credit arrangement, credit arrangements of a particular class or credit arrangements generally.

(4) The validity of a credit arrangement is unaffected by failure of a prescribed authority to obtain a consent or approval required by this section.

(5) No consent or approval is required under this section in respect of a credit arrangement entered into by the Savings Bank of South Australia or the State Bank of South Australia.

32m. (1) The Treasurer may, for and on behalf of the State of South Australia— Guarantees and indemnities.

(a) guarantee performance by a prescribed authority or other person of obligations arising under a contract to which a prescribed authority is a party or a contract that is incidental, ancillary, or otherwise related to such a contract;

(b) indemnify any person against loss, expenditure or costs related to a contract to which a prescribed authority is a party, or a contract that is incidental, ancillary, or otherwise related to such a contract.

(2) The terms and conditions of a guarantee or indemnity under this section shall be as determined by the Treasurer.

(3) As a condition of giving a guarantee or indemnity under this section, the Treasurer may require an indemnity against liabilities that may arise under the guarantee or indemnity.

(4) The moneys required to satisfy the obligations of the Treasurer under a guarantee or indemnity entered into under this section shall

be paid out of the Consolidated Account which is appropriated to the necessary extent.

(5) This section does not operate to exclude or diminish obligations of the Treasurer under any other Act or law.

Fees in respect of provision of guarantees and indemnities.

32n. (1) Subject to subsection (4), where—

(a) the Treasurer has provided a guarantee or indemnity either under this Act or under some other law;

or

(b) a guarantee or indemnity by the Treasurer has arisen by operation of law,

the Treasurer may, during the currency of the guarantee or indemnity, charge periodical fees in respect of the provision of the guarantee or indemnity.

(2) The amount of a periodical fee to be charged by the Treasurer under subsection (1) shall, subject to the regulations, be fixed by the Treasurer.

(3) A fee charged by the Treasurer under this section may be recovered by him as a debt.

(4) The powers conferred by this section shall not be exercised in relation to a guarantee under section 14 of the Industries Development Act, 1941-1981.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor