

New South Wales Grant (Flood Mitigation)

No. 10 of 1971

An Act to grant Financial Assistance to the State of New South Wales for the purpose of Flood Mitigation Works in relation to certain Rivers.

[Assented to 29 March 1971]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title. **1.** This Act may be cited as the *New South Wales Grant (Flood Mitigation) Act 1971*.

**Commence-
ment.** **2.** This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation. **3.—(1.)** In this Act, unless the contrary intention appears—

- “authority of the State” does not include a local government authority;
- “flood mitigation works” means works for the purpose of reducing the likelihood, or mitigating the effects, of flooding;
- “local funds”, in relation to a local government authority, means moneys of the authority other than moneys paid to it by the State in respect of the cost of the carrying out by the local government authority of flood mitigation works in relation to a prescribed river;
- “local government authority” means any of the following authorities, namely, the council of the shire of Baulkham Hills, the council of the shire of Bellingen, the council of the municipality of Camden, the council of the city of Campbelltown, the Clarence River County Council, the council of the shire of Colo, the council of the shire of Eurobodalla, the council of the shire of Gloucester, the council of the shire of Hastings, the Hunter Valley Conservation Trust, the council of the city of Liverpool, the Macleay River County Council, the council of the shire of Manning, the Metropolitan Water Sewerage and Drainage Board, the council of the city of Penrith, the Richmond River County Council, the council of the shire of Shoalhaven, the council of the shire of Tallaganda, the council of the shire of Tweed, the council of the municipality of Windsor and the council of the shire of Wollondilly;

“ local government expenditure ” means—

- (a) in relation to the carrying out of flood mitigation works by a local government authority—so much of any costs incurred by the local government authority in carrying out the works as is chargeable to local funds; and
- (b) in relation to the carrying out of flood mitigation works by the State or an authority of the State—expenditure by the local government authority concerned by way of contribution from local funds towards the costs of the works;

“ prescribed river ” means any of the following rivers, namely, Bellinger, Clarence, Hastings, Hawkesbury, Hunter, Macleay, Manning, Moruya, Richmond, Shoalhaven and Tweed, and includes any watercourse the waters of which flow into or out of any of those rivers;

“ State expenditure ” means—

- (a) in relation to the carrying out of flood mitigation works by a local government authority—expenditure by the State or an authority of the State by way of contribution towards the costs of the works; and
- (b) in relation to the carrying out of flood mitigation works by the State or an authority of the State—any cost incurred by the State or that authority in carrying out the works, less any amount that has been or is to be paid to the State or that authority by way of local government expenditure in respect of those costs;

“ the prescribed period ” means the period of seven years that commenced on the first day of July, One thousand nine hundred and sixty-nine;

“ the State ” means the State of New South Wales.

(2.) A reference in this Act to the carrying out of flood mitigation works does not include a reference to the carrying out of works by way of maintenance of existing works, whether those existing works were carried out before or after the commencement of this Act.

4.—(1.) Where, during the prescribed period, State expenditure has been incurred in respect of the carrying out of flood mitigation works in relation to a prescribed river by a local government authority, or by the State or an authority of the State in accordance with arrangements with a local government authority, there is payable to the State, subject to this Act, by way of financial assistance, the amount necessary to reimburse the State in respect of one-half of that State expenditure.

Financial
assistance to
State.

(2.) An amount is not payable to the State under this section in relation to an amount of State expenditure in respect of any particular works

unless, during the prescribed period, the local government authority concerned has incurred, in relation to those works, local government expenditure amounting to—

- (a) where the State expenditure was in relation to the Hunter River—
not less than one-sixth of that amount of State expenditure and of the amount of any previous State expenditure incurred in respect of those works during the prescribed period; or
- (b) where the State expenditure was in relation to any other prescribed river—not less than one-quarter of that amount of State expenditure and of the amount of any previous State expenditure incurred in respect of those works during the prescribed period.

(3.) The total amount of financial assistance to the State under this Act shall not exceed Nine million dollars.

Information to
be furnished
by State in
relation to
works.

5. The State is not entitled to financial assistance under this Act in relation to an amount of State expenditure, whether incurred before or after the commencement of this Act, in respect of any particular works unless the State has duly furnished all information in relation to those works that the Minister has requested the State to furnish.

Information to
be furnished
by State in
relation to
expenditure

6.—(1.) The Treasurer may request the State to furnish to him, not later than a date fixed by the Treasurer, being a date before the commencement of a financial year within the prescribed period, such information as he specifies in relation to the State expenditure proposed to be incurred during that financial year in respect of flood mitigation works and, if the Treasurer so requests, the State is not entitled to financial assistance under this Act in relation to State expenditure incurred during that financial year unless the State has duly furnished that information.

(2.) The State is not entitled to financial assistance under this Act in relation to any particular State expenditure, whether incurred before or after the commencement of this Act, unless the State has furnished to the Treasurer—

- (a) a statement in respect of that expenditure in accordance with a form approved by the Treasurer, accompanied by a certificate of the Auditor-General of the State certifying that the expenditure shown in the statement was incurred in relation to the flood mitigation works concerned;
- (b) such further information, if any, as the Treasurer requires in respect of that expenditure; and
- (c) a statement, in accordance with a form approved by the Treasurer and verified to the satisfaction of the Treasurer, giving particulars of the related local government expenditure.

Calculation
of cost.

7. For the purposes of this Act, the Treasurer may determine the manner in which the costs of any works are to be calculated and the matters that are to be taken into account when calculating any such costs.

8. The Treasurer may, at such times as he thinks fit, make advances of such amounts as he thinks fit to the State on account of an amount that may become payable under this Act to the State. Advances.

9. Payment to the State under this Act of any amount (including an advance) is subject to the condition that the State will repay to the Commonwealth, on demand by the Treasurer, the amount by which, at the time of the demand, the total of the amounts (including advances) paid to the State under this Act exceeds the total of the amounts that have become payable to the State under section 4 of this Act. Overpayments.

10. Amounts payable to the State under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly. Appropriation.
