

States Grants

No. 64 of 1971

An Act to amend the *States Grants Act 1970*.

[Assented to 25 May 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:—

1.—(1.) This Act may be cited as the *States Grants Act 1971*.

Short title
and citation.

(2.) The *States Grants Act 1970** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *States Grants Act 1970–1971*.

* Act No. 109, 1970.

Commence-
ment.

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

Grants to
States.

3. Section 5 of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) For the purpose of ascertaining the amount of the grant to be paid under this section to a State during the year commencing on the first day of July, One thousand nine hundred and seventy-one—

- (a) the amounts of the grants paid under sub-section (1.) of the next succeeding section and under section 7 of this Act shall be deemed to have been paid under this section; and
- (b) there shall be deemed to have been paid under this section to that State during the year preceding that year, in addition to the amount of the grant payable under this section to that State during that preceding year, a grant equal to the amount specified in the following table opposite to the name of the State:—

				\$
New South Wales	..	..	..	36,000,000
Victoria	..	..	..	26,000,000
Queensland	..	..	..	10,900,000
South Australia	..	..	..	7,000,000
Western Australia	..	..	..	6,500,000
Tasmania	..	..	..	2,000,000 ”.

Additional
grants to
States.

4. Section 6 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(2.) In addition to the grants payable to the States during the year that commenced on the first day of July, One thousand nine hundred and seventy, under the last preceding section and under the last preceding sub-section, there is payable to each State during that year, for the purpose of financial assistance, the amount specified in the following table opposite to the name of that State:—

				\$
New South Wales	..	..	..	24,000,000
Victoria	..	..	..	17,330,000
Queensland	..	..	..	8,020,000
South Australia	..	..	..	4,670,000
Western Australia	..	..	..	4,350,000
Tasmania	..	..	..	1,340,000

“(3.) In addition to the grants payable to the States during the year that commenced on the first day of July, One thousand nine hundred and seventy, under the last preceding section and under the last two preceding sub-sections, there is payable to the States during that year, for the purpose of financial assistance, the amount of Forty-three million dollars, which shall be apportioned among them in proportion to the amounts that, but for the last preceding sub-section and section 9A of this Act, would be respectively payable to them under this Act during that year.”.

5. After section 9 of the Principal Act the following section is inserted:—

“9A.—(1.) Notwithstanding anything in the foregoing provisions of this Act, where, in a year in which grants are payable to the States under this Act, a State, or a municipal corporation or other local governing body or a public authority constituted under a State Act, fails to pay to the Commonwealth an amount that the *Pay-roll Tax Assessment Act* 1941–1969 requires, or purports to require, to be paid to the Commonwealth, the succeeding provisions of this section have effect.

Effect on grants of non-payment of pay-roll tax.

“(2.) The Treasurer may reduce the total of the amounts of the grants payable under this Act to that State during a year or during each of a number of years by such amount as he thinks fit in respect of that year.

“(3.) For the purpose of ascertaining the amount of the grant to be paid under section 5 of this Act to a State during a year, any reduction made by the Treasurer under the last preceding sub-section in the total of the amounts of the grants payable under this Act to that State during the year preceding that year shall not be taken to have reduced the amount of the grant paid under section 5 of this Act to that State during that preceding year.

“(4.) Notwithstanding the last preceding sub-section, the Treasurer may determine that, for the purpose of ascertaining the amount of the grant to be paid under section 5 of this Act to a State during a year, the amount that was paid under that section during the year preceding that year shall be deemed to have been reduced by such amount as the Treasurer specifies.

“(5.) Where—

(a) by reason of non-payment by a State, or a municipal corporation or other local governing body or a public authority constituted under a State Act, of an amount referred to in sub-section (1.) of this section, the Treasurer has, under sub-section (2.) of this section, reduced the total of the amounts of the grants payable under this Act to that State in a year; and

(b) that amount has been paid to the Commonwealth,

there is payable to that State such amount as, subject to the next succeeding sub-section, the Treasurer determines.

“(6.) The total of the amounts payable to a State under the last preceding sub-section shall not exceed the total of the amounts by which grants payable under this Act to that State have been reduced in pursuance of sub-section (2.) of this section.”.

6. Section 10 of the Principal Act is amended by inserting after sub-section (1.) the following sub-sections:—

Statistical calculations, &c.

“(1A.) A reference in the next succeeding sub-section to a statistical year shall be read as a reference to a year ending on the thirty-first day of March.

“(1B.) Where, in respect of a period ending in a statistical year (in this sub-section referred to as ‘ the relevant statistical year ’), the *Pay-roll Tax Assessment Act 1941-1969* requires, or purports to require, an employer to lodge a return but the employer has not lodged the return or lodges a return that the Commonwealth Statistician is satisfied is incorrect, then, for the purpose of the calculation of the amounts of the grants payable to the States under section 5 of this Act during the year in which the relevant statistical year ends—

- (a) where the employer has not lodged a return in respect of that period but lodged a return in respect of the corresponding period that ended in the statistical year preceding the relevant statistical year, the Commonwealth Statistician may, in his discretion—
 - (i) have regard, in calculating the average wages per person employed in the relevant statistical year, to the amount that, if the return had been lodged and had been correct, would, in his opinion, have been shown in the return as wages within the meaning of that Act paid or payable in respect of that period and to the numbers that, if the return had been lodged and had been correct, would, in his opinion, have been shown as the numbers of males and females employed during that period; or
 - (ii) disregard, in calculating the average wages per person employed in the statistical year preceding the relevant statistical year, the amount shown in the return lodged by that employer in respect of the corresponding period that ended in that preceding statistical year as wages within the meaning of that Act paid or payable in respect of that period and the numbers shown in that return in respect of that period as the numbers of males and females employed during that period;
- (b) where the employer has not lodged a return in respect of that period and did not lodge a return in respect of the corresponding period that ended in the statistical year preceding the relevant statistical year, the Commonwealth Statistician may, in his discretion, have regard, in calculating the average wages per person employed in each of those statistical years, to the amounts that, if the returns had been lodged and had been correct, would, in his opinion, have been shown in the returns as wages within the meaning of that Act paid or payable in respect of each of those periods and to the numbers that, if the returns had been lodged and had been correct, would, in his opinion, have been shown as the numbers of males and females employed during each of those periods; or
- (c) where the Commonwealth Statistician is satisfied that the amount shown in the return as wages within the meaning of that Act paid or payable in respect of that period or the number shown in the return as the number of males and females employed during that

period is incorrect, the Commonwealth Statistician may, in his discretion, have regard, in calculating the average wages per person employed in the relevant statistical year, to the amount or number that, in his opinion, is the correct amount or number.”.
