



Local Government (Financial Assistance) Amendment Act 2000

No. 71, 2000



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An Act to amend the *Local Government (Financial Assistance) Act 1995*, and for related purposes

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An Act to amend the *Local Government (Financial Assistance) Act 1995*, and for related purposes

[Assented to 27 June 2000]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Local Government (Financial Assistance) Amendment Act 2000*.

2 Commencement

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Local Government (Financial Assistance) Act 1995

1 After section 4

Insert:

4A Population estimates

- (1) For the purposes of:
 - (a) causing a factor to be worked out under subsection 8(1) in relation to the current year mentioned in that subsection; and
 - (b) applying section 10 in respect of the current year mentioned in that section;the following apply:
 - (c) the expression *population of the State* means the population of the State on 31 December in the year immediately before the current year as set out in an estimate of that population on that date made by the Statistician for the purposes of this section;
 - (d) the expression *population of Australia* means the total population of all of the States on 31 December in the year immediately before the current year as set out in an estimate of that population on that date made by the Statistician for the purposes of this section.
- (2) The Statistician, in making an estimate for the purposes of this section of the population of a State, must have regard to the latest statistics in relation to the population available to the Statistician on the day on which the estimate is made.
- (3) The Minister must, as soon as practicable after the Statistician makes an estimate of the population of each State for the purposes of this section, cause to be given to the Treasurer of each State a written notice setting out the population of the State and the total population of all of the States.

2 At the end of section 6

Add:

- (8) For the purposes of this section, any possibility of a reduction in the amount allocated to any local governing body in complying with the condition in paragraph 15(aa) is to be disregarded.

3 After subsection 7(3)

Insert:

- (3A) In making an estimate for the purpose of paragraph 3(b), the Treasurer must, so far as the estimate relates to the population of Australia, consult the Statistician.

4 Paragraph 8(1)(a)

Repeal the paragraph, substitute:

- (a) calculating, to 4 decimal places, the factor using the formula:

$$\frac{\text{Population of Australia}}{\text{Previous population of Australia}} \times \frac{\text{Index number}}{\text{Previous index number}}$$

where:

index number means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Statistician in respect of the March quarter in the current year.

population of Australia has the meaning given by paragraph 4A(1)(d).

previous index number means the index number in respect of the March quarter in the year immediately before the current year.

previous population of Australia means the population of Australia that was used in working out the factor under this section in relation to the year immediately before the current year; and

5 At the end of subsection 8(1)

Add:

- ; and (c) if the Treasurer considers that there are special circumstances for doing so—increasing or decreasing the factor calculated under paragraph (a) (as increased by any amount under paragraph (b)) by such amount as the Treasurer considers appropriate.

6 After subsection 8(1)

Insert:

- (1A) For the purposes of the formula in paragraph (1)(a), if the Statistician changes the reference base for an index number, only index numbers published in terms of the new base are to be used after the change.

7 Subsection 8(2)

Omit “paragraph (1)(a) whether to increase or decrease a sum”, substitute “paragraph (1)(c)”.

8 Paragraphs 8(2)(a) to (c)

Repeal the paragraphs, substitute:

- (a) the objects of the Parliament in enacting this Act, as set out in section 3; and

9 Subsection 9(1) (definition of *Projected population of the State*)

Omit “agreed to between the Minister and the Statistician”, substitute “specified by the Minister in writing for the purpose, after consulting the Statistician”.

10 Subsection 9(1) (definition of *Projected population of Australia*)

Omit “agreed to between the Minister and the Statistician”, substitute “specified by the Minister in writing for the purpose, after consulting the Statistician”.

11 Subsection 10(1) (definition of *Population of the State*)

Repeal the definition, substitute:

Population of the State has the meaning given by paragraph 4A(1)(c).

12 Subsection 10(1) (definition of *Population of Australia*)

Repeal the definition, substitute:

Population of Australia has the meaning given by paragraph 4A(1)(d).

13 Subsections 10(2) and (3)

Repeal the subsections.

14 At the end of section 11

Add:

- (3) For the purposes of this section, any possibility of a reduction in the amount allocated to any local governing body in complying with the condition in paragraph 15(aa) is to be disregarded.

15 At the end of section 14

Add:

- (3) For the purposes of this section, any possibility of a reduction in the amount allocated to any local governing body in complying with the condition in paragraph 15(aa) is to be disregarded.

16 Paragraph 15(a)

After “a condition”, insert “, subject to the condition in paragraph (aa),”.

17 After paragraph 15(a)

Insert:

- (aa) a condition that, if the payment is one from which, according to an agreement between the Commonwealth and the State, the State is to withhold an amount that represents voluntary GST payments that should have, but have not, been paid by local governing bodies—the State will withhold the amount and pay it to the Commonwealth; and

18 Paragraph 15(c)

After “paragraphs (a)”, insert “, (aa)”.

19 Application

- (1) The amendments made by items 1 and 4 to 13 apply where the current year mentioned in section 8, 9 or 10 of the *Local Government (Financial Assistance) Act 1995* as amended by this Schedule is the year beginning on 1 July 2000 or any later year.

- (2) The amendment made by item 3 applies where the estimate mentioned in subsection 7(3A) of the *Local Government (Financial Assistance) Act 1995*, as inserted by that item, relates to the year beginning on 1 July 2000 or any later year.
- (3) The amendments made by items 16 to 18 apply where the payment mentioned in paragraph 15(1)(aa) of the *Local Government (Financial Assistance) Act 1995* as amended by this Schedule is made in the year beginning on 1 July 2001 or any later year.

20 Transitional

For the purpose of causing a factor to be worked out under subsection 8(1) of the *Local Government (Financial Assistance) Act 1995* as amended by this Schedule in relation to the year beginning on 1 July 2000, the definition of ***previous population of Australia*** in the formula in that subsection is replaced by the following definition:

previous population of Australia means the population of Australia used in applying section 10 of this Act, as in force immediately before its amendment by the *Local Government (Financial Assistance) Amendment Act 2000*, in respect of the year beginning on 1 July 1999.

[*Minister's second reading speech made in—
House of Representatives on 11 May 2000
Senate on 5 June 2000*]

(14/00)
