COMMONWEALTH GRANTS COMMISSION ACT 1976

**No. 47 of 1976**

An Act to amend the Grants Commission Act 1973-1975.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

**Short title and citation.**

**1.** (1) This Act may be cited as the Commonwealth Grants Commission Act 1976.

(2) The Grants Commission Act 1973-1975 is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Commonwealth Grants Commission Act 1973-1976.

**Commencement.**

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

**Title.**

**3.** The title of the Principal Act is amended by inserting before the words “Grants Commission” the word “Commonwealth”.

**Definitions.**

**4.** Section 4 of the Principal Act is amended—

(a) by omitting the definition of “appropriate Minister”;

(b) by omitting the definition of “approved regional organization”;

(c) by inserting in the definition of “Commission”, before the word “Grants”, the word “Commonwealth”; and

(d) by omitting the definition of “local governing body” and substituting the following definition:—

“‘local government authority’ means an authority, established by or under a law of a State, that is, in accordance with provision made by the regulations, a local government authority for the purposes of this Act; ”.

**Meaning of assistance to a State for local government purposes.**

**5.** Section 6 of the Principal Act is repealed.

**Establishment of Commonwealth Grants Commission**

**6.** Section 7 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:—

“(1) The body by the name of the Grants Commission established by the sub-section for which this sub-section was substituted by the Commonwealth Grants Commission Act 1976 continues in existence, by force of this sub-section, under and subject to the provisions of this Act, under the name ‘Commonwealth Grants Commission’.”.

**Membership of Commission**

**7.** Section 8 of the Principal Act is amended by omitting from subsection (7) the words “Public Service of the Commonwealth” (wherever occurring) and substituting the words “Australian Public Service”.

**8.** Sections 17 and 18 of the Principal Act are repealed and the following section is substituted:—

**Assistance to States for local government purposes**

“17. (1) The Commission shall inquire into and report to the Minister upon any matters—

(a) being matters relating to the making of a grant of assistance to a State, under section 96 of the Constitution, for local government purposes; or

(b) being matters relating to a grant of assistance made to a State, under section 96 of the Constitution, for local government purposes,

that are referred to the Commission by the Minister.

“(2) In sub-section (1), a reference to a grant of assistance to a State for local government purposes shall be read as a reference to a grant of moneys to the State for the purpose of being applied by the State in payments to local government authorities situated in the State, or by way of expenditure for purposes declared by the regulations to be purposes to which this sub-section applies.”

**Inquiries by Commission.**

**9.** Section 19 of the Principal Act is amended—

(a) by omitting from sub-section (1) the words “by section 16 or 18”; and

(b) by omitting from sub-section (3) the words “referred to in section 16”.

**Commission may take evidence.**

**10.** Section 20 of the Principal Act is amended by omitting sub-sections (3), (4) and (5).

**Penalty for refusing to give evidence.**

**11.** Section 23 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:—

“(2) For the purposes of sub-section (1), a question shall be deemed to have been put to a witness by the Commission—

(a) if it is put by any of the members who are exercising the powers of the Commission in relation to the matter; or

(b) if, with the approval of a majority of those members, it is put by a person authorized by a majority of those members to appear in connexion with the taking of the evidence.

**12.** Section 24 of the Principal Act is repealed and the following section substituted: —

**Giving false evidence**

“24. A person shall not, in the course of giving evidence before the members of the Commission who are exercising the powers of the Commission in relation to a matter, make a statement that he knows to be false or misleading in a material particular.

Penalty: Imprisonment for 5 years. ”.

**Reports to be laid before Parliament**

**13.** Section 25 of the Principal Act is amended by omitting the words “section 16 or 18” (wherever occurring) and substituting the words “section 16 or 17”.

**Savings.**

**14.** Section 26 of the Principal Act is amended—

(a) by omitting from sub-section (2) the words “of this Act” (second occurring);

(b) by omitting from sub-section (3) the words “of this Act” (second occurring); and

(c) by omitting from sub-section (4) the words “of this Act” (second occurring).

**15.** (1) Section 27 of the Principal Act is repealed and the following section substituted: —

**Regulations.**

“27. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for regulating the practice and procedure of the Commission. ”.

(2) Notwithstanding the repeal effected by sub-section (1), regulations in force under the Principal Act immediately before the date of commencement of this Act continue in force on and after that date as if they had been made under the Principal Act as amended by this Act.

**Revocation of certain references.**

**16.** (1) Every reference to the Grants Commission of an application referred to in sub-section 18(3) of the Principal Act made by the Minister under that sub-section on or after 1 October 1975 is, by force of this sub-section, revoked, and the Commonwealth Grants Commission shall not inquire, or inquire further, into, or report to the Minister on, any application so referred to the Grants Commission.

(2) Notwithstanding the revocation by sub-section (1) of a reference of an application to the Grants Commission, the Commonwealth Grants Commission may, for the purpose of reporting on the matter referred to the Grants Commission on 31 March 1976 under Paragraph 16(c) of the Principal Act, have regard to any evidence taken by, and any information provided to, the Grants Commission before the commencement of this Act in connexion with its inquiry into that application.

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