

# ENVIRONMENT (FINANCIAL ASSISTANCE) ACT 1977

## No. 150 of 1977

An Act to grant financial assistance to the States in connexion with projects related to the environment, and for other purposes.

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

1. This Act may be cited as the *Environment (Financial Assistance) Act 1977*.<sup>1</sup> Short title

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement

3. In this Act, unless the contrary intention appears—

“agreement” means an agreement in force under section 4;

“approved body” means a body approved by the Minister for the purposes of this Act, being—

(a) an authority of a State;

(b) a local governing body; or

(c) any body corporate constituted for purposes other than the acquisition of gain by its individual members;

“environment” includes all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings.

Interpretation

4. (1) The Minister may, from time to time, on behalf of the Commonwealth, agree with a State upon financial assistance, whether by way of loan or otherwise, to be provided by the Commonwealth to the State under this Act in respect of amounts expended by the State or an approved body in respect of projects related to the environment. Agreement for financial assistance

(2) An agreement with a State under sub-section (1) shall be in writing and may relate to projects approved, or to be approved, by the Minister and the appropriate Minister of the State, acting jointly.

(3) An agreement with a State under sub-section (1) may specify conditions to which the grant of financial assistance in accordance with the agreement is subject.

(4) An agreement with a State under sub-section (1) may include provision for—

(a) the review of the operation of the agreement; and

(b) the amendment of the agreement by a further agreement in consequence of such a review.

Financial assistance

5. Subject to this Act, financial assistance is payable to a State in accordance with an agreement.

Agreements to be tabled in Parliament

6. The Minister shall cause a copy of every agreement, including every amending agreement, to be laid before each House of the Parliament within 15 sitting days of that House after the date on which the agreement is made.

Payments to the States

7. A payment (including an advance) to a State under this Act shall be made out of moneys available under an appropriation made by the Parliament for the purpose.

Advances

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

(2) Without limiting the discretion of the Treasurer under sub-section (1), the Treasurer may refrain from making an advance to a State under that sub-section until the State has furnished to the Treasurer such documents and other evidence to justify the making of the advance to the State or to show how an amount, or part of an amount, advanced to the State under that sub-section has been used or applied, as the Treasurer requests.

Evidence of expenditure

9. A State is not entitled to a payment of financial assistance under section 5 in respect of any expenditure unless the State has furnished the Treasurer with –

- (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, in his opinion, the amounts shown in the statement as having been expended were expended in accordance with an agreement; and
- (b) such further information (if any) as the Treasurer requires in respect of that expenditure.

Conditions

10. (1) Payment of an amount (including an advance) to a State under this Act in accordance with an agreement is subject to the condition that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed to fulfil a condition in the agreement, the State will repay the amount paid to the State under this Act in accordance with the agreement, or such part of that amount as the Minister specifies, to the Commonwealth.

(2) Payment of an amount (including an advance) to a State under this Act 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 paid to the State under this

Act exceeds the total of the amounts that have become payable to the State under this Act.

11. The Treasurer may deduct any amount payable or repayable by a State to the Commonwealth under this Act from an amount payable by the Commonwealth to the State under this Act.

Deduction of amount payable or repayable by State

12. Section 4 of the *States Grants (Nature Conservation) Act 1974*<sup>2</sup> is amended by adding at the end thereof the following sub-section:

Amendment of States Grants (Nature Conservation) Act

“(4) The Minister shall not agree on a program, or enter into an agreement, under this section after the commencement of this sub-section, but this sub-section does not prevent the Minister from agreeing to a variation of a program or agreement that was agreed upon, or entered into, before the commencement of this sub-section.”.

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## NOTES

1. Act No. 150, 1977; assented to 10 November 1977.
2. Act No. 151, 1974. For previous amendment *see* Act No. 154, 1976.