

NATIONAL WATER RESOURCES (FINANCIAL ASSISTANCE) ACT 1978

No. 5 of 1978

An Act to grant financial assistance to the States in connexion with the development and management of national water resources.

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

- Short title 1. This Act may be cited as the *National Water Resources (Financial Assistance) Act 1978*.¹
- Commence-
ment 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹
- Interpret-
ation 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; or
 (b) a local governing body;
“project” means a project by way of—
 (a) the conservation of water resources or the water environment;
 (b) the management of water quality;
 (c) the distribution or reticulation of water;
 (d) the drainage and desalinisation of agricultural land; or
 (e) the mitigation of flooding,
and includes—
 (f) in connexion with a project referred to in paragraph (a), (b), (c), (d) or (e)—
 (i) the establishment of construction camps and the provision of services necessary for those camps, including the construction of roads and the provision of power, water, sewerage and telecommunication facilities;
 (ii) the acquisition of land;
 (iii) the payment of compensation in respect of land affected by any works;

- (iv) the construction of diversion works, embankments, spillways, outlet works, pipelines, pumping stations or access roads; or
- (v) any other necessary works or measures;
- (g) studies and investigations in connexion with the assessment and utilization of surface and underground water resources; and
- (h) studies and investigations in connexion with the causes, effects and management of flooding.

4. (1) The Commonwealth may, from time to time, 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—

Agreement
for
financial
assistance

- (a) the State;
- (b) an approved body; or
- (c) the State and an approved body,

in respect of projects.

(2) An agreement with a State under sub-section (1) shall be in writing and may relate to—

- (a) projects approved, or to be approved, by the Minister and the appropriate Minister of the State, acting jointly; or
- (b) projects specified in the agreement.

(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.

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

Financial
assistance

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.

Agreements
to be tabled
in
Parliament

7. (1) Payments (including advances) under this Act during the year ending on 30 June 1978, not exceeding in the aggregate \$2,500,000, are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Appropri-
ation

(2) Other payments (including advances) under this Act shall be made out of moneys available under an appropriation made by the Parliament for the purpose.

Advances **8.** (1) The Minister for Finance 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 Minister for Finance under sub-section (1), the Minister for Finance may refrain from making an advance to a State under that sub-section until the State has furnished to the Minister for Finance 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 Minister for Finance 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 Minister for Finance with—

- (a) a statement in respect of that expenditure, in accordance with a form approved by the Minister for Finance, 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 Minister for Finance requires in respect of that expenditure.

Conditions **10.** (1) Payment of an amount (including an advance) to a State under this Act in relation to a project the subject of an agreement is subject to the following conditions:

- (a) that the State will, at all reasonable times, permit a person authorized by the Minister to inspect and take copies of, or extracts from, any plans, designs, tenders, records or other documents relating to the project;
- (b) that there will be furnished to the Minister by the State, as soon as practicable after each 30 June and 31 December during the course of the project, a progress report on the project as at each of those dates;
- (c) that there will be furnished to the Minister by the State, as soon as practicable after the completion of the project, a final report on the project; and
- (d) that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed to fulfil a condition specified in paragraph (a), (b) or (c) or in the agreement, the State will repay the amount paid to the State under this Act in relation to that project, 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 Minister for Finance, 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 Minister for Finance 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

NOTE

1. Act No. 5, 1978; assented to 28 March 1978.