



States (Works and Housing) Assistance Act 1983

No. 82 of 1983

An Act to grant financial assistance to the States in connection with expenditure of a capital nature, to make loans to the States and the Northern Territory for public housing and to authorize the borrowing of certain moneys by the Commonwealth

[Assented to 14 November 1983]

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

Short title

1. This Act may be cited as the *States (Works and Housing) Assistance Act 1983*.

Commencement

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

Interpretation

3. In this Act, “relevant year” means the year ending on 30 June 1984.

Grants to States during the year 1983-84 in respect of capital expenditure

4. (1) There is payable to a State specified in column 1 of the Schedule, during the relevant year, for the purpose of financial assistance in connection with expenditure of a capital nature, the amount specified in column 2 of the Schedule opposite to the name of that State, less the sum of any amounts paid to that State under section 4 of the *States (Works and Housing) Assistance Act 1982*.

(2) Payments for the purposes of this section shall be made in such amounts and at such times as the Treasurer approves.

Advance payments to States for 1984-85 in respect of capital expenditure

5. The Treasurer may, during the period of 6 months commencing on 1 July 1984, make payments to a State specified in column 1 of the Schedule, for the purpose of financial assistance in connection with expenditure of a capital nature, of amounts not exceeding in the aggregate the amount specified in column 3 of the Schedule opposite to the name of that State.

Loans to States for public housing

6. (1) Subject to section 7, a State specified in column 1 of the Schedule may, on or before 31 December 1983, notify the Treasurer that, for the purpose of expenditure in respect of the relevant year in relation to public housing, it requires a loan of a specified amount, not being an amount that exceeds the amount specified in column 4 of the Schedule opposite to the name of that State and where it does so, the Treasurer may, during the relevant year authorize the making of that loan by way of financial assistance to the State for that purpose.

(2) Subject to sections 7 and 8, loans under sub-section (1) shall be made on such terms and conditions as are specified in the agreement entered into between the Commonwealth and the State in pursuance of the *Housing Assistance Act 1981* in relation to loans, other than any terms and conditions of the agreement relating to the provision of matching funds by the State.

(3) Payments for the purposes of this section shall be made in such amounts and at such times as the Treasurer approves.

Loans not to be made to State in certain circumstances, &c.

7. The Treasurer shall not authorize the making of a loan to a State under sub-section 6 (1) unless he is satisfied that that State will comply with the terms and conditions of the agreement entered into between the Commonwealth and that State in pursuance of the *Housing Assistance Act 1981* that relate to the provision of matching funds by that State during the relevant year, and, in addition to the terms and conditions referred to in sub-section 6 (2), a loan to that State under sub-section 6 (1) is subject to the condition that that State will comply with the first-mentioned terms and conditions.

Variation of conditions relating to loans to States

8. (1) If the Minister for Housing and Construction becomes satisfied that a State has not complied with the condition specified in section 7 in relation to a loan—

- (a) he shall inform the Treasurer accordingly; and
- (b) the Treasurer may give the Treasurer of the State a notice in writing stating that the terms and conditions relating to interest on, and the repayment of, a specified part of the loan, being such part as the Treasurer considers to be appropriate, are to be terms and conditions set out in the notice, being terms and conditions that the Treasurer, having regard to the terms and conditions relating to interest on, and the repayment of, other loans made by the Commonwealth to States, considers to be appropriate,

and, if such a notice is given, it shall have effect accordingly.

(2) If the Minister for Housing and Construction becomes satisfied that a State has not expended, or committed itself to expend, in respect of the relevant year in relation to public housing, the whole or a part of the moneys available to the State by way of a loan made to the State under sub-section 6 (1)—

- (a) he shall inform the Treasurer accordingly; and
- (b) the Treasurer may give the Treasurer of the State a notice in writing stating that the terms and conditions relating to interest on, and the repayment of, the loan or a specified part of the loan, being such part as the Treasurer considers to be appropriate, as the case may be, are to be the terms and conditions set out in the notice, being terms and conditions that the Treasurer, having regard to the terms and conditions relating to interest on, and the repayment of, other loans made by the Commonwealth to States, considers to be appropriate,

and, if such a notice is given, it shall have effect accordingly.

Advance payments to States for 1984-85 in respect of public housing

9. (1) The Treasurer may, during the period of 6 months commencing on 1 July 1984, make payments to a State specified in column 1 of the Schedule, for the purpose of financial assistance for expenditure for the purpose of public housing, of amounts not exceeding in the aggregate the amount specified in column 5 of the Schedule opposite to the name of that State.

(2) Payments to a State under sub-section (1) shall be made on such terms and conditions as are determined by the Treasurer at the time when the payments are made, being such terms and conditions as the Treasurer considers to be appropriate.

Loans to the Northern Territory for public housing

10. (1) Subject to sub-section (4) and to section 11, the Northern Territory may, on or before 31 December 1983, notify the Treasurer that, for the purpose of expenditure in respect of the relevant year in relation to public housing, it requires a loan of a specified amount, not being an amount that

exceeds \$86,042,000, and, where it does so, the Treasurer may, during the relevant year, authorize the making of that loan by way of financial assistance to the Northern Territory for that purpose.

(2) Subject to sections 11 and 12, a loan under sub-section (1) shall be made on such terms and conditions as are specified in the agreement entered into between the Commonwealth and the Northern Territory in pursuance of the *Housing Assistance Act 1981* in relation to loans, other than any terms and conditions of the agreement relating to the provision of matching funds by the Northern Territory.

(3) Payments for the purposes of this section shall be made in such amounts and at such times as the Treasurer approves.

(4) Nothing in this Act, the *Supply Act (No. 2) 1983-84* or the *Appropriation Act (No. 2) 1983-84* shall be taken to authorize—

- (a) the payment to the Northern Territory by way of a loan under this section; or
- (b) the payment to the Northern Territory out of such of the moneys appropriated by the *Appropriation Act (No. 2) 1983-84* as are specified in item 3 of Division 977 in Schedule 2 to that Act,

of an amount the payment of which would result in the sum of the payments under this section and the payments out of the moneys referred to in paragraph (b) exceeding \$86,042,000.

(5) The Acts specified in sub-section (4) have effect subject to that sub-section.

Loan not to be made to Northern Territory in certain circumstances

11. The Treasurer shall not authorize the making of a loan to the Northern Territory under sub-section 10 (1) unless he is satisfied that the Northern Territory will comply with the terms and conditions of the agreement entered into between the Commonwealth and the Northern Territory in pursuance of the *Housing Assistance Act 1981* that relate to the provision of matching funds by the Northern Territory during the relevant year, and, in addition to the terms and conditions referred to in sub-section 10 (2), a loan to the Northern Territory under sub-section 10 (1) is subject to the condition that the Northern Territory will comply with the first-mentioned terms and conditions.

Variation of conditions relating to loan to Northern Territory

12. (1) If the Minister for Housing and Construction becomes satisfied that the Northern Territory has not complied with the condition specified in section 11 in relation to a loan—

- (a) he shall inform the Treasurer accordingly; and
- (b) the Treasurer may give the Treasurer of the Northern Territory a notice in writing stating that the terms and conditions relating to interest on, and the repayment of, a specified part of the loan, being such part as the Treasurer considers to be appropriate, are to be terms and conditions set out in the notice, being terms and conditions that the

Treasurer, having regard to the terms and conditions relating to interest on, and the repayment of, other loans made by the Commonwealth to the Northern Territory, considers to be appropriate, and, if such a notice is given, it shall have effect accordingly.

(2) If the Minister for Housing and Construction becomes satisfied that the Northern Territory has not expended, or committed itself to expend, in respect of the relevant year in relation to public housing, the whole or a part of the moneys available to the Northern Territory by way of a loan made to the Northern Territory under sub-section 9 (1)—

- (a) he shall inform the Treasurer accordingly; and
- (b) the Treasurer may give the Treasurer of the Northern Territory a notice in writing stating that the terms and conditions relating to interest on, and the repayment of, the loan or a specified part of the loan, being such part as the Treasurer considers to be appropriate, as the case may be, are to be the terms and conditions set out in the notice, being terms and conditions that the Treasurer, having regard to the terms and conditions relating to interest on, and the repayment of, other loans made by the Commonwealth to the Northern Territory, considers to be appropriate,

and, if such a notice is given, it shall have effect accordingly.

Advance payments to Northern Territory for 1984-85 in respect of public housing

13. (1) The Treasurer may, during the period of 6 months commencing on 1 July 1984, make payments to the Northern Territory, for the purpose of financial assistance for expenditure for the purpose of public housing, of amounts not exceeding in the aggregate \$43,021,000.

(2) Payments to the Northern Territory under sub-section (1) shall be made on such terms and conditions as are determined by the Treasurer at the time when the payments are made being such terms and conditions as the Treasurer considers to be appropriate.

Payments to be made out of Consolidated Revenue Fund or Loan Fund

14. Payments to a State or the Northern Territory for the purposes of this Act may be made out of the Consolidated Revenue Fund or the Loan Fund.

Authority to borrow

15. (1) Subject to sub-section (2), the Treasurer may, during the period commencing on the date of commencement of this Act and ending on 31 December 1984, in accordance with the provisions of the *Commonwealth Inscribed Stock Act 1911*, or in accordance with the provisions of an Act authorizing the issue of Treasury Bills, borrow moneys not exceeding in the aggregate the sum of—

- (a) \$734,500,500;
- (b) an amount equal to the amount that is to be advanced to the States under section 6;

- (c) an amount equal to the amount that is to be advanced to the Northern Territory under section 10;
- (d) an amount equal to the amount (if any) that is to be paid to the States under section 9;
- (e) an amount equal to the amount (if any) that is to be paid to the Northern Territory under section 13; and
- (f) the expenses of borrowing.

(2) For the purposes of the application of sub-section (1), the amount specified in paragraph (1) (a) shall be taken to be reduced by the sum of any amounts borrowed by the Treasurer in accordance with sub-section 10 (1) of the *States (Works and Housing) Assistance Act 1982* for the purposes of making payments to the States in accordance with section 4 of that Act.

Application of moneys borrowed

16. Moneys borrowed under sub-section 15 (1) shall be issued and applied only for the expenses of borrowing, for the purposes of making payments to the States and the Northern Territory in accordance with this Act and for the purposes of making payments to the Consolidated Revenue Fund in accordance with section 17.

Reimbursement of Consolidated Revenue Fund from Loan Fund

17. (1) Where an amount has been paid out of the Consolidated Revenue Fund under this Act or under section 4 of the *States (Works and Housing) Assistance Act 1982*, the Minister for Finance may authorize the payment to that Fund, out of the Loan Fund, of an amount not exceeding the amount so paid.

(2) In any statement prepared by the Minister for Finance under section 50 of the *Audit Act 1901*, amounts paid to the Consolidated Revenue Fund under sub-section (1) of this section shall not be shown as receipts of that Fund but shall be shown as having reduced the total of the amounts expended from that Fund under this Act and under section 4 of the *States (Works and Housing) Assistance Act 1982*.

Appropriation

18. The Consolidated Revenue Fund and the Loan Fund are appropriated as necessary for the purposes of this Act.

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SCHEDULE

Sections 4, 5, 6 and 9

Column 1	Column 2 Amount of grant under sub-section 4 (1)	Column 3 Maximum aggregate amount of payments under section 5	Column 4 Maximum amount of loans under section 6	Column 5 Maximum aggregate amount of payments under section 9
	\$	\$	\$	\$
New South Wales	158,282,000	79,141,000	316,563,000	158,281,500
Victoria	123,019,000	61,509,500	246,036,000	123,018,000
Queensland	64,926,000	37,463,000	129,853,000	64,926,500
South Australia	63,813,000	31,906,500	127,626,000	63,813,000
Western Australia	45,309,000	22,654,500	90,618,000	45,309,000
Tasmania	34,318,000	17,159,000	68,637,000	34,318,500
	489,667,000	244,833,500	979,333,000	489,666,500