

WESTERN AUSTRALIA

LOCAL GOVERNMENT GRANTS AMENDMENT ACT

No. 12 of 1988

AN ACT to amend the *Local Government Grants Act 1978*.

[Assented to 6 September 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Local Government Grants Amendment Act 1988*.

Commencement**2.** This Act shall—

- (a) if it receives the Royal Assent on or before 1 July 1988, come into operation on 1 July 1988; or
- (b) if it receives the Royal Assent after 1 July 1988, be deemed to have come into operation on 1 July 1988.

Principal Act

3. In this Act the *Local Government Grants Act 1978** is referred to as the principal Act.

[*Act No. 4 of 1978 as amended by Act No. 56 of 1985.]

Section 2 repealed

4. Section 2 of the principal Act is repealed.

Section 3 amended

5. Section 3 of the principal Act is amended—

- (a) by deleting the definition of “the Commonwealth Act” and substituting the following definition—

“ “the Commonwealth Act” means the *Local Government (Financial Assistance) Act 1986* of the Commonwealth;

“the Commonwealth Minister” means the Minister who is for the time being responsible for the administration of the Commonwealth Act; ”; and

- (b) by deleting the definition of “the Minister”.

Part III substituted

6. Part III of the principal Act is repealed and the following Part is substituted—

“ **PART III—ALLOCATION AND DISTRIBUTION
OF COMMONWEALTH FUNDS**

Funds available to be notified to
Commission by Minister

9. As soon as the State is advised by the Commonwealth of the amount of Commonwealth funds to which the State is entitled in respect of a financial year, the Minister shall advise the Commission of the amount.

Recommendations of Commission

10. The Commission shall, as soon as practicable in respect of each financial year, make recommendations to the Minister with respect to the amount of Commonwealth funds that should be allocated to each municipality in respect of that financial year.

Principles of allocation

11. The recommendations of the Commission shall be made in accordance with the requirements of the Commonwealth Act and any relevant principles of allocation approved under that Act.

Powers of the Commission

12. (1) The Commission, or any member of the Commission, may carry out such inspections, conduct such hearings, take such evidence and generally make such investigations as the Commission thinks necessary for the purpose of properly carrying out its functions under this Act.

(2) Where a member who has been authorized by the Commission to exercise any power under subsection (1) is, for any reason, unable to exercise that power the deputy of that member may exercise that power.

(3) Hearings conducted under subsection (1) shall ordinarily be held in public.

(4) The Commission may require the council of any municipality to supply the Commission with such financial or other information as to the affairs of the municipality as the Commission specifies and the council shall comply with that requirement.

Submissions to be received

13. The Commission shall give the council of each municipality, the Local Government Association of Western Australia, the Country Shire Councils' Association of Western Australia, the Country Urban Councils' Association, and such other persons or bodies as the Commission thinks fit, the opportunity of making written submissions to the Commission in connection with the allocation amongst municipalities of Commonwealth funds in respect of a financial year.

Consideration of recommendations

14. (1) On receipt of the recommendations referred to in section 10 the Minister shall—

- (a) approve the recommendations; or
- (b) refer the recommendations back to the Commission with a request to the Commission to review the whole or any part of the recommendations.

(2) Where, under subsection (1) (b), the Minister requests the Commission to review the whole or any part of its recommendations the following provisions shall apply—

- (a) the request shall contain a statement of the reasons for the request;
- (b) on receipt of the request the Commission shall forthwith—
 - (i) consider whether, in the light of the request and the reasons given for the request, any amendment to the recommendations is necessary or desirable;and
 - (ii) resubmit the recommendations, with or without amendment, to the Minister;
- (c) the Minister shall approve of the recommendations as resubmitted to him under paragraph (b) (ii).

Notification of allocations

15. (1) Before particulars of the manner in which Commonwealth funds have been allocated amongst municipalities are made public, the Minister shall inform the Commonwealth Minister, in writing, of those particulars.

(2) Having informed the Commonwealth Minister as required under subsection (1), the Minister shall cause each municipality to be informed of the amount of Commonwealth funds allocated to it for the financial year.

Distribution of Commonwealth funds

16. When Commonwealth funds are paid to the State, the State shall, without undue delay, make unconditional payment to municipalities in accordance with the allocation approved under this Act.

Statement of payments to be furnished

16A. As soon as practicable after the end of the financial year the Minister shall furnish to the Treasurer of the Commonwealth—

- (a) a statement, in accordance with a form approved by the Treasurer, specifying the payments made by the State during that financial year in accordance with the Commonwealth Act and the dates of those payments; and
- (b) a certificate by the Auditor General certifying that, in the opinion of the Auditor General, the contents of the statement are correct.

Furnishing of additional advice to Minister

16B. (1) The Minister may request the Commission to report on any matter related to local government finance referred to it by the Minister.

(2) The Commission shall comply with such a request as soon as practicable after it is made.

Annual report

16C. (1) As soon as practicable after 1 September in each year the Commission shall prepare and furnish to the Minister a report on its recommendations, methods and activities during the preceding 12 months.

(2) The Minister shall cause the report to be laid before each House of Parliament as soon as practicable after receiving the report. ”.

Saving

7. Anything done before the commencement of this Act by the Commission in accordance with the *Local Government (Financial Assistance) Act 1986* of the Commonwealth is valid notwithstanding anything to the contrary in the principal Act as in force before the commencement of this Act.
