

ENVIRONMENT (FINANCIAL ASSISTANCE) ACT 1977

*1*The Environment (Financial Assistance) Act 1977 as shown in this reprint comprises Act No. 150, 1977 amended as indicated in the Tables below. The Environment (Financial Assistance) Act 1977 was modified by the A.C.T. Self-Government (Consequential Provisions) Regulations as amended. (See Note 2.)

Table of Acts

Act Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Environment (Financial Assistance) Act 1977 150, 1977	10 Nov 1977	10 Nov 1977	
Administrative Changes (Consequential Provisions) Act 1978 36, 1978	12 June 1978	12 June 1978	S. 8

Table of Amendments

ad.=added or inserted am.=amended rep.=repealed rs.=repealed and substituted

Provision affected	How affected
Ss. 8-11	am. No. 36, 1978

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Interpretation
4. Agreement for financial assistance
5. Financial assistance
6. Agreements to be tabled in Parliament
7. Payments to the States
8. Advances
9. Evidence of expenditure
10. Conditions
11. Deduction of amount payable or repayable by State
12. (Not in operation -see Note 2)

Short title

1. This Act may be cited as the Environment (Financial Assistance) Act 1977.*1*
SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.*1*
SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

Interpretation

- 3.*2* 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.

*2*Section 3-The Environment (Financial Assistance) Act 1977 was modified by regulation 2 and Schedule 1 of the A.C.T. Self-Government (Consequential Provisions) Regulations as amended. The provision of Schedule 1 applicable to the abovementioned Act quoted below is not incorporated in this reprint. Section 3 Add at the end the following definition:

"..State includes the Australian Capital Territory."

These Regulations shall be taken to have commenced on 21 December 1989.

Agreement for financial assistance

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.

(2) An agreement with a State under subsection (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 subsection (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 subsection (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 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 subsection (1), the Minister for Finance may refrain from making an advance to a State under that subsection 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 subsection 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 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 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.

Deduction of amount payable or repayable by State

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.

12. *3* * * * *

*3*S. 12-The amendment made by section 12 has been incorporated in the reprint of the States Grants (Nature Conservation) Act 1974 which is published separately.