



STATE GRANTS COMMISSION

No. 40 of 1976

ANALYSIS

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AN ACT to provide for the establishment of a State Grants Commission, the making of recommendations by that Commission with respect to the payment under this Act by the Treasurer of certain Commonwealth grants to municipalities, and incidental matters.

[21 June 1976]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *State Grants Commission Act* Short title. 1976.

Interpretation.

2 In this Act, unless the contrary intention appears—

- “ chairman ” means the chairman of the Commission;
- “ Commission ” means the State Grants Commission established under this Act;
- “ further recommendations ” has the meaning assigned to that expression by section 10 (1) (b);
- “ grant ” means a grant of a kind referred to in section 3 (2) (a);
- “ member ” means a member of the Commission;
- “ recommendations ” means recommendations made by the Commission for the purpose of exercising its functions under section 3 (2) and that are not required to be reconsidered by the Commission pursuant to section 10 (1) (b).

Establishment and functions of the State Grants Commission.

3—(1) There shall be established a commission, to be known as the State Grants Commission.

(2) The functions of the Commission are to recommend to the Treasurer—

- (a) the municipalities to which he is to pay, in each financial year, grants of financial assistance out of moneys made available to the State by the Commonwealth for that purpose in that year; and
- (b) the amounts of those grants.

Constitution, &c., of Commission.

4—(1) The Commission shall consist of 3 members appointed by the Governor, of whom—

- (a) one shall be a person who appears to the Governor to have appropriate experience in business or financial or local government matters;
- (b) one shall be a person representing local government who shall be nominated by the Municipal Association of Tasmania and approved by the Minister administering the *Local Government Act 1962*; and
- (c) one shall be a person who shall be an officer or former officer of the Treasury nominated by the Under Treasurer and approved by the Treasurer.

(2) If the Municipal Association of Tasmania fails to make a nomination as required by subsection (1) (b) after being so requested by the Minister administering the *Local Government Act 1962* and within the period specified by him in the request, the Governor may appoint as a member of the Commission such person as he considers suitable in the circumstances.

(3) If no such appointment is made as required by subsection (1) (c), the Under Treasurer shall be a member of the Commission.

(4) The chairman of the Commission is the member referred to in subsection (1) (a).

(5) An officer of the Public Service may hold office as a member in conjunction with his office as an officer of the Public Service.

(6) The members shall be paid such remuneration and such travelling and other allowances as the Governor may determine.

5—(1) Subject to this section, a member continues in office for a period of 3 years from the date on which he was last appointed a member, unless he sooner resigns or is removed from office or otherwise ceases to hold office. Term of office and removal of members.

(2) If a member dies or ceases to hold office otherwise than by reason of the effluxion of time, the Governor may appoint a person (being a person having experience as provided in paragraph (a) of section 4 (1) or nominated as provided by paragraph (b) or paragraph (c) of that section, as the case requires) to fill the office for the remainder of the term for which the vacating member was so appointed.

(3) The Governor may remove a member from office if he is satisfied that that member—

(a) has become incapable of carrying out the duties of his office;

(b) has misconducted himself in the performance of the duties of his office;

(c) has, without leave of the Commission, been absent from 3 or more consecutive meetings of the Commission;

(d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or

(e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to be a member.

(4) A member shall not be removed from office otherwise than in accordance with this section.

(5) This section applies only to a member who is appointed by the Governor.

Procedure
of the
Commission.

6—(1) Where the Commission holds a meeting at which the Commission decides to make recommendations or further recommendations to the Treasurer—

- (a) the chairman shall preside at the meeting and has a deliberative vote;
- (b) three members constitute a quorum at the meeting;
- (c) all questions arising at the meeting (whether in relation to decisions to make those recommendations or otherwise) shall be decided by a majority of members voting on those questions; and
- (d) in the event of an equality of votes on any question referred to in paragraph (c), the chairman has a second or casting vote.

(2) Where the Commission holds a meeting other than one referred to in subsection (1)—

- (a) the chairman, or, if he is absent, such one of the other members present as they choose, shall preside at the meeting;
- (b) the member presiding at the meeting has a deliberative vote;
- (c) two members constitute a quorum at the meeting; and
- (d) in the event of an equality of votes on any question, the question stands adjourned until a meeting of the Commission at which all the members are present.

(3) Subject to this Act, the Commission may regulate its own proceedings.

Secretary.

7 The Commission may, with the approval of the Public Service Board, appoint an officer of the Treasury to be the secretary of the Commission and the person so appointed may hold office as the secretary of the Commission in conjunction with his office in the Treasury.

Authority for
Commission
to make
investigations
and inquiries.

8—(1) For the purpose of making recommendations to the Treasurer, the Commission may hold such inquiries and make such investigations as it considers to be necessary.

(2) Subject to subsection (3), where the Commission holds an inquiry or makes an investigation pursuant to subsection (1), Division II of Part II of the *Evidence Act* 1910 applies to the inquiry or investigation as if—

- (a) the Commission were such a board as is referred to in section 14 (1) (b) of that Act; and

(b) the subject of the inquiry or investigation were the matter into which it was appointed to inquire by its instrument of appointment.

(3) Notwithstanding anything in the *Evidence Act 1910*, a person who attends before the Commission for the purpose of giving evidence when summoned to do so is entitled to be paid such fees, allowances, and sums by way of reimbursement of expenses as the Treasurer may determine.

9—(1) As soon as practicable after the commencement of each financial year the Treasurer shall inform the Commission of the total amount of the moneys that the Commonwealth has made available in that year for the making of grants to municipalities.

Provisions relating to the exercise of its functions by the Commission.

(2) The following matters shall be taken into account by the Commission in making recommendations to the Treasurer in each financial year:—

- (a) The total amount of the grants recommended to be paid by the Treasurer to municipalities in that year shall equal the total amount that the Treasurer has informed the Commission pursuant to subsection (1) is available for the making of grants in that year;
- (b) The Commission may recommend the payment in that year of grants of different amounts to different municipalities;
- (c) The Commission is not bound to recommend that a grant should be paid to a municipality if it considers that the municipality should not receive a grant in that year; and
- (d) In recommending the amount of a grant to be paid to a municipality in that year, the Commission shall ensure that, as far as possible, that amount is sufficient to enable the municipality, by reasonable effort, to function at a standard not appreciably below that of other municipalities that, in the opinion of the Commission, are similar to the first-mentioned municipality in relation to such factors as are deemed relevant by the Commission.

(3) The Commission shall, forthwith after deciding to make recommendations to the Treasurer in any financial year, furnish the Treasurer with a report containing particulars of those recommendations.

Power of Treasurer to accept recommendations or require further recommendations.

10—(1) On receipt of a report under section 9 (3), the Treasurer—

- (a) may accept the recommendations contained in the report; or
- (b) may send a notice to the Commission requesting it to reconsider the recommendations or any part of those recommendations and, subject to its taking into account the same matters as are specified in section 9 (2), to make such further recommendations as are necessary to enable the Treasurer to make grants in the relevant financial year (in this Act referred to as “further recommendations”).

(2) A notice under subsection (1) (b) shall contain particulars of the Treasurer’s reasons for requesting the Commission to reconsider its recommendations or the part of the recommendations to which the notice relates.

(3) On receipt of a notice under subsection (1) (b), the Commission shall forthwith—

- (a) hold such inquiries and make such investigations as are necessary to enable it to make such further recommendations as are necessary to comply with the notice; and
- (b) after complying with paragraph (a), furnish the Treasurer with a report containing particulars of those further recommendations.

(4) The provisions of subsections (2) and (3) of section 8 apply, with the necessary modifications, to an inquiry or investigation for the purposes of this section as they apply to an inquiry or investigation referred to in subsection (1) of that section.

(5) On receipt of a report under subsection (3) (b), the Treasurer shall accept the further recommendations contained in the report.

Payment of grants.

11—(1) The Treasurer shall, on accepting any recommendations or further recommendations contained in a report made by the Commission under section 9 (3) or section 10 (3) in any financial year, pay grants in that year to municipalities in accordance with those recommendations or further recommendations.

(2) The payment of grants under subsection (1) shall be made out of the Consolidated Revenue Fund from funds provided by Parliament for the purpose.

12 The expenses incurred in the administration of this Act shall ^{Expenses of Act.} be paid out of funds provided by Parliament for the purpose.

13 The Treasurer shall cause a copy of every report furnished ^{Reports by Treasurer.} to him under section 9 (3) or section 10 (3) to be laid before each House of Parliament within the first 10 sitting days of the House after he receives that report.

14 This Act expires on 30th June 1979.

Expiry of Act.

