

**TASMANIA**

STATE GRANTS COMMISSION AMENDMENT ACT 1990

No. 8 of 1990

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STATE GRANTS COMMISSION AMENDMENT ACT 1990

No. 8 of 1990

AN ACT to amend the *State Grants Commission Act 1976*

[Royal Assent 11 July 1990]

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:—

Short title

1—This Act may be cited as the *State Grants Commission Amendment Act 1990*.

Commencement

2—This Act commences on 1st July 1990 or on the day on which it receives the Royal Assent, whichever is later.

Principal Act

3—In this Act, the *State Grants Commission Act 1976** is referred to as the Principal Act.

* No. 40 of 1976. Amended by No. 12 of 1979 and No. 29 of 1984.

Interpretation

4—Words and phrases defined in the Principal Act and used in this Act have the same meaning in this Act as in the Principal Act.

Section 4 amended (Constitution, &c., of Commission)

5—Section 4 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “3 members” and substituting “4 members”;

(b) by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

(b) 2 shall be persons who are, or have been, associated with local government in the State nominated by the Minister administering the *Local Government Act 1962* from a list of 4 names submitted to that Minister by the Municipal Association of Tasmania; and

(c) by omitting subsection (2) and substituting the following subsection:—

(2) If the Municipal Association of Tasmania fails to make a nomination under subsection (1) (b) after being so requested by the Minister administering the *Local Government Act 1962* within the period specified in the request, the Governor may appoint as members such 2 persons who are, or have been, associated with local government in the State as the Governor considers suitable.

(d) by inserting the following subsection after subsection (5):—

(5A) A person who is —

(a) a member of the council of a municipality; or

(b) an employee of a municipality —

may be nominated as a member of the Commission but that person cannot accept appointment to the Commission unless he or she first resigns from that office or employment.

Section 5 amended (Term of office and removal of members)

6—Section 5 of the Principal Act is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsection:—

- (1) Subject to this section, a member shall—
- (a) be appointed for such term, not exceeding 3 years, as is specified in the member's instrument of appointment; and
 - (b) if otherwise qualified, be eligible for re-appointment.
- (b) by omitting from paragraph (e) of subsection (3) "a member." and substituting "a member;"
- (c) by inserting the following paragraphs after paragraph (e) of subsection (3):—
- (f) has been nominated as a candidate for election as a member of the council of a municipality; or
 - (g) has entered into a contract of employment with a municipality.
- (d) by inserting the following subsection after subsection (4):—
- (4A) A member may resign from the Commission by giving the Governor written notice of resignation.

Section 6 amended (Procedure of the Commission)

7—Section 6 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (b) of subsection (1) "three members" and substituting "4 members";
- (b) by omitting from paragraph (c) of subsection (2) "two members" and substituting "3 members".

Section 9 amended (Provisions relating to functions of the Commission)

8—Section 9 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) In making recommendations to the Treasurer in each financial year the Commission may recommend the payment of different amounts to different municipalities, but the Commission shall ensure that—

- (a) the total amount of the grants recommended to be paid to municipalities in that year equals the total amount that the Treasurer has informed the Commission is available for the making of grants in that year; and

- (b) as far as possible, the allocation of funds to municipalities will be made on a full equalization basis, being a basis that—
- (i) ensures that each municipality will, by reasonable effort, be able to function at a standard not lower than the average standard of other municipalities; and
 - (ii) takes account of differences in the expenditure required by municipalities in the performance of their functions and in the capacity of those municipalities to raise revenue; and
- (c) notwithstanding the objective referred to in paragraph (b), no municipality will be allocated an amount in a year that is less than the amount that would be allocated to that municipality if 30 per cent of the total amount of the money that the Commonwealth has made available in that year were allocated amongst municipalities on a per capita basis.

Transitional Provision

9—The appointment of a person who was a member immediately before the commencement of this Act is terminated upon the commencement of this Act, but that person may be re-appointed as a member in accordance with the Principal Act as amended by this Act.