

STATES GRANTS (SOIL CONSERVATION) ACT 1974

No. 150 of 1974

An Act to provide Financial Assistance to the States for Purposes connected with Soil Conservation.

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

1. This Act may be cited as the *States Grants (Soil Conservation) Act* 1974.¹ Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement.

3. (1) In this Act, unless the contrary intention appears, “approved program” means a program approved under section 4, and includes any approved variation of such a program. Interpretation.

(2) For the purposes of this Act, the following periods are periods to which this Act applies:—

- (a) the period commencing on the date of commencement of this Act and ending on 30 June 1975; and
- (b) the year ending on 30 June 1976.

4. (1) For the purposes of this Act, a State may, before or during a period to which this Act applies, submit to the Minister for consideration a program of works to be carried out and other things to be done by the State in connexion with soil conservation during that period. Approval of programs.

(2) A submission of a program to the Minister under sub-section (1) shall be in writing—

- (a) in a form approved by the Minister; and
- (b) containing particulars of—
 - (i) the works and things to which it relates; and
 - (ii) the amount of expenditure proposed to be incurred by the State in respect of that program.

(3) Where a State submits a program to the Minister under sub-section (1) the Minister may—

- (a) approve the program; or
- (b) after consultation with a State, modify the program by omitting parts of the program and approve the program as so modified.

(4) The Minister may, at the request of the relevant State, approve a variation of an approved program.

(5) An approval of a program, or of a variation of an approved program, under this section may be given or made subject to such conditions, not inconsistent with this Act, as the Minister thinks fit.

(6) Where an approved program includes a work that is to be carried out or a thing that is to be done by a State during the period to which this Act applies that ends on 30 June 1975 but the work or thing is not completed during that period, the uncompleted part of the work or thing shall, for the purposes of this Act—

- (a) if there is an approved program to be carried out by the State during the next following period to which this Act applies—be deemed to form part of that approved program; or
- (b) in any other case—be deemed to constitute the approved program to be carried out by the State during the next following period to which this Act applies.

Grants in respect of approved programs.

5. Where a State has, during a period to which this Act applies, expended amounts by way of the costs of the carrying out of an approved program that relates to that period, there is payable to the State, by way of financial assistance, amounts necessary to reimburse the State in respect of so much of the expenditure as does not exceed—

- (a) in the case of expenditure before 1 July 1975—the amount specified in Column 2 of the Schedule opposite to the name of the State in Column 1; and
- (b) in the case of expenditure before 1 July 1976—the amount specified in Column 3 of the Schedule opposite to the name of the State in Column 1.

Calculation of costs.

6. For the purposes of this Act, the Minister may determine the manner in which the costs of the carrying out of an approved program are to be calculated and the matters that are to be taken into account when calculating any such costs.

Entitlement to grants.

7. Where the Minister is satisfied that—

- (a) a State has failed to fulfil the conditions, if any, applicable under this Act in relation to an approved program; or
- (b) a State has failed to furnish all information relating to an approved program, or in relation to expenditure or proposed expenditure in connexion with the carrying out of that program, that the Minister has requested the State to furnish,

the Minister may determine that the financial assistance payable to the State in connexion with the carrying out of that program, or such part of that financial assistance as the Minister thinks reasonable, be not payable.

8. A State is not entitled to financial assistance under this Act in relation to particular expenditure by the State unless the State has furnished to the Treasurer— Statements
as to
expenditure.

- (a) a statement in respect of that expenditure, in accordance with a form approved by the Treasurer, accompanied by a certificate of the Auditor-General of the State certifying that, in his opinion, amounts shown in the statement were expended by the State in connexion with the carrying out of the approved program concerned; and
- (b) such further information, if any, as the Treasurer requires in respect of that expenditure.

9. (1) A State is not entitled to financial assistance under this Act in relation to expenditure during the period to which this Act applies that ends on 30 June 1975 in connexion with the carrying out of an approved program that relates to that period unless the State has duly submitted to the Minister a report in relation to the whole of that period, to the satisfaction of the Minister, setting out particulars of the works carried out and other things done by the State in accordance with that program during that period. Reports by
States.

(2) A State is not entitled to financial assistance under this Act in relation to expenditure during the period to which this Act applies that ends on 30 June 1976 in connexion with the carrying out of an approved program that relates to that period unless the State has duly submitted to the Minister a report in relation to the first 6 months of that period and a report in relation to the whole of that period, to the satisfaction of the Minister, setting out particulars of the works carried out and other things done by the State in accordance with that program during the period to which the report relates.

(3) A report referred to in sub-section (1) or (2) is not duly submitted for the purposes of that sub-section unless it is received by the Minister—

- (a) not later than—
 - (i) in the case of the report referred to in sub-section (1)—30 September 1975;
 - (ii) in the case of the report in relation to the first 6 months of the period referred to in sub-section (2)—31 March 1976; or
 - (iii) in the case of the report in relation to the whole of the period referred to in sub-section (2)—30 September 1976; or
- (b) within such further time as the Minister, before or after the relevant date specified in paragraph (a), allows.

Expenditure
after periods
to which Act
applies.

10. An amount expended by a State after the expiration of a period to which this Act applies but before the next following 1 January in connexion with the carrying out, during that period, of an approved program, shall, for the purposes of sections 5 and 8, be deemed to have been expended during that period.

Advances.

11. The Treasurer may, at such times as he thinks fit, make advances of such amounts as he thinks fit to a State on account of an amount that may become payable under this Act to the State.

Over-
payments.

12. Payment to a State under this Act of an amount (including an advance) is subject to the condition that the State will repay to Australia, on demand by the Treasurer, the amount by which, at the time of the demand, the total of the amounts (including advances) paid to the State under this Act exceeds the total of the amounts that have become payable to the State under section 5.

Appropri-
ation.

13. Amounts payable (including advances) to a State under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

SCHEDULE

Section 5

GRANTS FOR SOIL CONSERVATION

Column 1	Column 2 Maximum amount of grant before 1 July 1975	Column 3 Maximum amount of grant before 1 July 1976
	\$	\$
New South Wales	110,000	625,000
Victoria	155,000	660,000
Queensland	160,000	860,000
South Australia	25,000	110,000
Western Australia	40,000	210,000
Tasmania	10,000	35,000

NOTE

1. Act No. 150, 1974; assented to 17 December 1974.