



Territory Authorities (Financial Provisions) Act 1978

Act No. 6 of 1978 as amended

[Note: This Act was repealed by Act No. 136 of 2012 on 22 September 2012]

This compilation was prepared on 19 April 2011 taking into account amendments up to Act No. 5 of 2011

The text of any of those amendments not in force on that date is appended in the Notes section

The operation of amendments that have been incorporated may be affected by application provisions that are set out in the Notes section

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An Act relating to moneys appropriated for the purposes of certain authorities of the Territories, the borrowing of moneys by such authorities and the liability of such authorities to taxation

1 Short title [see Note 1]

This Act may be cited as the *Territory Authorities (Financial Provisions) Act 1978*.

2 Commencement [see Note 1]

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

3 Repeal

The *Territory Authorities (Financial Provisions) Act 1973* is repealed.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

authority means:

- (a) except in sections 6 and 7—a body corporate established for a public purpose by or under a law of a Territory; and
- (b) in sections 6 and 7—a body corporate established for a public purpose by or under a law of a Territory, other than an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*.

Finance Minister means the Minister administering the *Financial Management and Accountability Act 1997*.

- (2) A reference in a section of this Act to an authority to which that section applies shall be read as a reference to an authority declared by the regulations to be an authority to which that section applies.

5 Extension of Act to Territories

This Act extends to every external Territory.

6 Payment of moneys appropriated for the purposes of certain authorities

- (1) Moneys appropriated by the Parliament for the purposes of an authority to which this section applies (not being moneys appropriated for the purpose of being lent to the authority) are, subject to subsection (2), payable to the authority.
- (2) The Finance Minister may give directions as to the amounts in which, and the times at which, the moneys are to be paid to the authority.

7 Borrowing by certain authorities

- (1) The Finance Minister may, on behalf of the Commonwealth, out of moneys appropriated by the Parliament for the purpose, lend to an authority to which this section applies, at such rate of interest and on such other terms and conditions as he determines, moneys that the authority may lawfully borrow.
- (2) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment by an authority to which this section applies of amounts lawfully borrowed by the authority, other than moneys lent under this section, and the payment of interest on amounts so borrowed.

8 Exemption from taxation of certain authorities

- (1) Subject to subsection (2), the authorities set out in Part I of the Schedule are not subject to taxation under any law of the Commonwealth or of a State.
- (2) The regulations may provide that subsection (1) does not apply to a specified authority in relation to a specified law.

9 Liability to taxation of certain authorities

- (1) The authorities set out in Part II of the Schedule are subject to taxation under the laws of the Commonwealth.

- (2) Subject to subsection (3), the authorities referred to in subsection (1) are not subject to taxation under any law of a State.
- (3) The regulations may provide that subsection (2) does not apply to a specified authority in relation to a specified law.

10 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule

Sections 8 and 9

Part I—Authorities Exempt from Taxation

Australian Capital Territory Schools Authority
Capital Territory Health Commission
Darwin Community College
Legal Aid Commission (A.C.T.)

Part II—Authorities Liable to Taxation

National Exhibition Centre Trust
Poker Machine Licensing Board of the Capital Territory

Table of Acts**Notes to the *Territory Authorities (Financial Provisions) Act 1978*****Note 1**

The *Territory Authorities (Financial Provisions) Act 1978* as shown in this compilation comprises Act No. 6, 1978 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Territory Authorities (Financial Provisions) Act 1978</i>	6, 1978	28 Mar 1978	28 Mar 1978	
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXIV (ss. 268, 269): 1 July 1982 (a)	—
<i>A.C.T. Self-Government (Consequential Provisions) Act 1988</i>	109, 1988	6 Dec 1988	S. 32: 11 May 1989 (see <i>Gazette</i> 1989, No. S164) (b)	—
<i>Statute Law Revision Act 2011</i>	5, 2011	22 Mar 2011	Schedule 5 (items 216, 217): 19 Apr 2011	—

Act Notes

- (a) The *Territory Authorities (Financial Provisions) Act 1978* was amended by Part LXXIV (sections 268 and 269) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(8) of which provides as follows:
 - (8) Parts XX and LXXIV shall be deemed to have come into operation on 1 July 1982.
- (b) The *Territory Authorities (Financial Provisions) Act 1978* was amended by section 32 only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:
 - (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.

Table of Amendments

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

Provision affected	How affected
S. 4	am. No. 109, 1988; No. 5, 2011
Ss. 6, 7.....	am. No. 5, 2011
S. 9	am. No. 109, 1988
Schedule.....	am. No. 80, 1982; No. 109, 1988