



Natural Resources Management (Financial Assistance) Act 1992

No. 242, 1992

Compilation No. 7

Compilation date:	6 May 2016
Includes amendments up to:	Act No. 47, 2016
Registered:	15 June 2016

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About this compilation

This compilation

This is a compilation of the *Natural Resources Management (Financial Assistance) Act 1992* that shows the text of the law as amended and in force on 6 May 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to grant financial assistance in connection with projects relating to natural resources management, to establish a Natural Resources Management Account, and for related purposes

Part 1—Preliminary

1 Short title

This Act may be cited as the *Natural Resources Management (Financial Assistance) Act 1992*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Objects

- (1) This Act makes provision for the funding and administrative arrangements relating to natural resources management in Australia with the following objects.
- (2) This Act's primary object is to facilitate the development and implementation of integrated approaches to natural resources management in Australia that are:
 - (a) for the purpose of achieving efficient, sustainable and equitable management of natural resources in Australia; and
 - (b) consistent with the principles of ecologically sustainable development.
- (3) This Act also has the following objects:
 - (a) to promote community, industry and governmental partnership in the management of natural resources in Australia;

- (b) to assist in establishing institutional arrangements to develop and implement policies, programs and practices that will encourage sustainable use of natural resources in Australia;
- (c) to assist in enhancing the long term productivity of natural resources in Australia;
- (d) to assist in developing approaches to help resolve conflicts over access to natural resources in Australia.

4 Interpretation

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

Account means the Natural Resources Management Account continued in existence by section 11.

agreement means an agreement under section 5 or 6.

natural resources management means:

- (a) any activity relating to the management of the use, development or conservation of one or more of the following natural resources:
 - (i) soil;
 - (ii) water;
 - (iii) vegetation; or
- (b) any activity relating to the management of the use, development or conservation of any other natural resources for the purposes of an activity mentioned in paragraph (a).

officer means a person appointed or engaged under the *Public Service Act 1999*.

project means a project relating to natural resources management.

State includes the Australian Capital Territory and the Northern Territory.

- (2) A reference in a provision of this Act to an authorised officer is a reference to an officer authorised in writing by the Minister for the purposes of the provision.

Part 2—Financial assistance

5 Agreements with States

- (1) The Commonwealth may, from time to time, enter into an agreement with a State on financial assistance (whether by way of grant or otherwise) to be provided by the Commonwealth to the State, for amounts spent by the State in respect of:
 - (a) projects approved, or to be approved, by the Minister and the appropriate Minister of the State, acting jointly; or
 - (b) projects specified in the agreement.
- (2) An agreement must be in writing.
- (3) Subject to sections 8, 9 and 10, financial assistance is payable to a State in accordance with an agreement.
- (4) The Minister must cause a copy of each agreement under subsection (1) and any agreement amending that agreement to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the agreement is made.
- (5) The Minister may make advances to a State of amounts on account of an amount that may become payable to the State under subsection (3).
- (6) Payments under this section must be paid out of money appropriated by the Parliament for the purpose.

6 Agreements with other persons

- (1) In this section:

person includes an association, authority, body, institution or other organisation, whether incorporated or unincorporated.

Section 7

- (2) An authorised officer may, on behalf of the Commonwealth, enter into an agreement with a person for the person to carry out a project.
- (3) An agreement must be in writing.
- (4) If an agreement provides for the payment of advances, the Minister may make advances of amounts on account of an amount that may become payable under the agreement.
- (5) Payments under an agreement must be made out of money standing to the credit of the Account.

7 Matters to be provided for in an agreement

An agreement must include provisions relating to the following matters:

- (a) the object of the project or projects to which the agreement relates;
- (b) the conditions subject to which payments under the agreement are to be made;
- (c) the monitoring and evaluation of the project or projects;
- (d) the review of the operation of the agreement;
- (e) the amendment of the agreement by a further agreement as a result of such a review.

8 Payments to be subject to conditions

- (1) In this section and sections 9 and 10:

authorised person means:

- (a) in relation to an agreement under section 5—the Minister or an authorised officer; and
- (b) in relation to an agreement under section 6—an authorised officer.

payee, in relation to an agreement, means the party to which amounts are payable by the Commonwealth under the agreement.

payment includes an advance.

- (2) In addition to any conditions provided for in an agreement, a payment by the Commonwealth under the agreement is subject to the following conditions.
- (3) If an authorised person informs the payee that the authorised person is satisfied that:
 - (a) the payee has not fulfilled a condition to which the agreement is subject; or
 - (b) a project or any part of a project has not been undertaken in accordance with the agreement;the payee must repay to the Commonwealth the whole, or such part as the Minister specifies, of the payment.
- (4) On demand by an authorised person, the payee must repay to the Commonwealth the amount by which, at the time of the demand, the total of the payments made to the payee under this Act exceeds the total of the amounts that have become payable to the payee under this Act.
- (5) The authorised person may deduct any amount repayable by the payee from any amount payable by the Commonwealth to the payee under this Act.

9 Conditions relating to audit requirements

- (1) An agreement is, except so far as otherwise provided for in the agreement, subject to the following conditions.
- (2) The payee is not entitled to a payment for amounts spent by the payee for the purposes of carrying out a project unless the payee has given to an authorised person:
 - (a) a statement (***the statement***) of the amounts spent in a form approved by an authorised officer; and
 - (b) a certificate mentioned in subsection (3) or (4).
- (3) For the purposes of subsection (2), if the agreement is made under section 5, the certificate:

Section 9

- (a) must be given by a person (*the responsible person*) who is the Auditor-General of the State, or the head of the Department or authority of the State responsible for the spending; and
 - (b) is to certify, in relation to each amount shown in the statement as having been spent:
 - (i) that the responsible person is of the opinion that the amount was spent in accordance with the agreement; or
 - (ii) that the responsible person has received a certificate from a qualified accountant stating that the qualified accountant is of the opinion that the amount was spent in accordance with the agreement.
- (4) For the purposes of subsection (2), if the agreement is made under section 6, the certificate:
- (a) must be given by a person (*the responsible person*) who is:
 - (i) if the payee is an association, authority, body, institution or other organisation whose accounts are required by law to be audited by the Auditor-General of the Commonwealth or of the State—the head of the association, authority, body, institution or other organisation; or
 - (ii) if subparagraph (i) does not apply—a qualified accountant; and
 - (b) is to certify, in relation to each amount shown in the statement as having been spent, that, in the responsible person's opinion, the amount was spent in accordance with the agreement.
- (5) In subsections (3) and (4):
- qualified accountant** means:
- (a) a person who is registered as a company auditor or a public accountant under a law in force in a State or Territory; or
 - (b) a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Certified Practising Accountants.

- (6) The payee must, at all reasonable times, permit a person authorised in writing by an authorised person to:
 - (a) inspect; or
 - (b) take copies of, or extracts from;any plans, designs, tenders, records or other documents relating to a project.
- (7) The payee must, on written request by an authorised officer, give to the authorised officer, as soon as practicable after the date specified by the authorised officer in the request, a report:
 - (a) on the payee's activities in connection with a project; or
 - (b) containing particulars on matters that are specified by the authorised officer in the request.
- (8) The payee must, as soon as practicable after the completion of a project, give to an authorised officer a final report on the project.

10 Other conditions

- (1) Without precluding or limiting the matters that may be provided for in an agreement, an agreement may provide for the matters mentioned in subsections (2), (3) and (4).
- (2) An agreement may provide for the payment by the payee to the Commonwealth of an amount equal to the whole, or such part as an authorised person determines, of any net income derived by the payee from:
 - (a) property acquired or produced in the course of carrying out a project; or
 - (b) patents for inventions made in the course of carrying out a project.
- (3) An agreement may provide for the assignment by the payee to the Commonwealth of:
 - (a) any property mentioned in paragraph (2)(a); or
 - (b) any patents for inventions mentioned in paragraph (2)(b); or
 - (c) any interest that the payee may have in any such invention.

Section 10

- (4) An agreement may provide for the payment by the payee to the Commonwealth if any property or interest of a kind mentioned in subsection (3) is disposed of to a person other than the Commonwealth, of an amount equal to the whole, or such part as an authorised person determines:
- (a) in the case of a disposal by way of sale or assignment for value—of the net proceeds of the sale or assignment; and
 - (b) in any other case—of the value of the property or interest as determined by the authorised person.

Part 3—Natural Resources Management Account

11 Natural Resources Management Account

- (1) There is continued in existence the Natural Resources Management Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

- (2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.
- (3) If interest is received by the Commonwealth from the investment of an amount standing to the credit of the Account, an amount equal to the interest must be credited to the Account.
- (4) There must be credited to the Account amounts equal to the following:
- (a) amounts, being gifts or bequests, given or made for the purposes of the Account;
 - (b) amounts paid or repaid to the Commonwealth in accordance with:
 - (i) an agreement under section 6 of the *Soil Conservation (Financial Assistance) Act 1985* that has effect under section 25; or
 - (ii) an agreement under section 6;
 - (c) amounts received by the Commonwealth from the disposal of property or interests acquired by the Commonwealth in accordance with an agreement under section 6.

Note: An Appropriation Act provides for amounts to be credited to a special account if any of the purposes of the special account is a purpose that is covered by an item in the Appropriation Act.

- (5) Amounts are to be debited from the Account for the following purposes:
- (a) making payments (including advances) in accordance with:

Section 12

- (i) an agreement under section 6 of the *Soil Conservation (Financial Assistance) Act 1985* that has effect under section 25; or
- (ii) an agreement under section 6;
- (c) making payments in respect of other costs of administration of this Act that the Minister considers appropriate to be debited from the Account.

12 Application of gifts or bequests

- (1) In spite of anything in this Act (other than subsection (2) of this section) or in the *Public Governance, Performance and Accountability Act 2013* (other than section 58 of that Act which deals with investment by the Commonwealth):
 - (a) any money held by the Minister on trust for the purposes of the Account must be dealt with in accordance with the obligations of the Minister as a trustee of the trust; and
 - (b) any money accepted by the Minister for the purposes of the Account subject to a condition must be dealt with in accordance with the obligations imposed on the Minister by the condition.
- (2) Separate accounts must be kept of money standing to the credit of the Account representing amounts of money to which subsection (1) applies.

12A Delegation of trust etc. obligations

- (1) The Minister may delegate to the Secretary of the Department or to an APS employee in the Department the power of the Minister to deal with any money:
 - (a) held by the Minister on trust for the purposes of the Account;
 - or
 - (b) accepted by the Minister for the purposes of the Account subject to a condition;

in accordance with the obligations of the Minister as trustee of the trust or as the person who has accepted the money subject to the condition, as the case may be.

- (2) The delegate must exercise the power in accordance with any directions of the Minister.
- (3) However, the Minister must not:
 - (a) delegate the power if doing so would be inconsistent with the terms of the trust or with the condition; or
 - (b) issue a direction that would be inconsistent with the terms of the trust or with the condition.

Part 5—Miscellaneous

24 Repeal of Acts

The following Acts are repealed:

- (a) *National Water Resources (Financial Assistance) Act 1978*;
- (b) *Soil Conservation (Financial Assistance) Act 1985*.

25 Transitional arrangements

- (1) Subject to the provisions of any agreement under this Act, on and after this Act's commencement, every agreement under section 4 of the *National Water Resources (Financial Assistance) Act 1978* has effect as if that Act had not been repealed.
- (2) Subject to the provisions of any agreement under this Act, on and after this Act's commencement, every agreement under section 4 or 6 of the *Soil Conservation (Financial Assistance) Act 1985* has effect as if that Act had not been repealed.
- (3) If, at the time immediately before this Act commences, no report had been prepared under section 19 of the *Soil Conservation (Financial Assistance) Act 1985* for a period ending at that time (whether the period is a period of 12 months or not), then:
 - (a) the Soil Conservation Advisory Committee constituted under section 10 of that Act at that time must, in spite of anything in this or that Act, as soon as practicable, prepare and give to the Minister a report on the operation of that Act and agreements and arrangements made under that Act during that period; and
 - (b) the Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

26 Annual report in relation to operation of the Act etc.

- (1) The Minister must, for each financial year, cause a report to be prepared and included in the annual report of the Department for that financial year on:
 - (a) the operation of this Act; and
 - (b) agreements made under this Act; during that financial year.
- (2) The first report must relate to the period beginning on the day on which this Act commences and ending on 30 June 1993.

28 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Natural Resources Management (Financial Assistance) Act 1992	242, 1992	24 Dec 1992	24 Dec 1992	
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 1056–1068): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (a)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (item 686): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (b)	—
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999	170, 1999	10 Dec 1999	Schedule 4: Royal Assent (c)	Sch. 4 (item 24)
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s. 4 and Schedule 1 (items 256–263, 496): Royal Assent	s. 4 and Sch. 1 (item 496)
Financial Framework Legislation Amendment Act (No. 1) 2006	30, 2006	6 Apr 2006	Schedule 1 (items 37–40): 7 Apr 2006	Sch. 1 (item 40)
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 168, 169): 19 Apr 2011	—

Natural Resources Management (Financial Assistance) Act 1992

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Compilation No. 7

Compilation date: 6/5/16

Registered: 15/6/16

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 10 (items 308–310) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Omnibus Repeal Day (Autumn 2015) Act 2016	47, 2016	5 May 2016	Sch 1 (items 8–16): 6 May 2016 (s 2(1) item 2)	Sch 1 (item 16)

- (a) The *Natural Resources Management (Financial Assistance) Act 1992* was amended by Schedule 2 (items 1056–1068) of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:

Endnote 3—Legislation history

- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (b) The *Natural Resources Management (Financial Assistance) Act 1992* was amended by Schedule 1 (item 686) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (c) The *Natural Resources Management (Financial Assistance) Act 1992* was amended by Schedule 4 only of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am. No. 152, 1997; No. 170, 1999; No. 8, 2005; No 47, 2016
Part 1	
s. 4	am. No. 152, 1997; Nos. 146 and 170, 1999; No. 8, 2005; No. 5, 2011; No 47, 2016
Part 2	
s. 6	am. No. 152, 1997; No. 8, 2005
Part 3	
Part 3 heading	rs. No. 152, 1997; No. 8, 2005
s. 11	am. No. 152, 1997; No. 170, 1999; No. 8, 2005 rs. No. 8, 2005 am No 62, 2014; No 47, 2016
s. 12	am. No. 152, 1997; No. 8, 2005; No. 30, 2006; No 62, 2014
s. 12A.....	ad. No. 30, 2006
Part 4.....	rep No 47, 2016
Part 4 heading	rs. No. 170, 1999 rep No 47, 2016
Division 1 heading	rs. No. 170, 1999 rep No 47, 2016
s. 13	am. No. 170, 1999; No. 5, 2011 rep No 47, 2016
s. 14	am. No. 170, 1999 rep No 47, 2016
Division 2 heading	rs. No. 170, 1999 rep No 47, 2016
s. 15	am. No. 170, 1999 rep No 47, 2016
s 16	rep No 47, 2016
s 17	rep No 47, 2016

Endnote 4—Amendment history

Provision affected	How affected
s 18	rep No 47, 2016
s 19	am. No. 170, 1999 rep No 47, 2016
s 20	am. No. 170, 1999 rep No 47, 2016
s 21	rep No 47, 2016
s 22	rep No 47, 2016
s 23	am. No. 170, 1999 rep No 47, 2016
Part 5	
s. 27	am. No. 170, 1999 rep No 47, 2016