

CLAUSE NOTES

State Grants Commission Amendment Bill 2015

- Clause 1 This Act may be cited as the State Grants Commission Amendment Bill 2015.
- Clause 2 Describes the commencement date of the amendments as on a day to be proclaimed.
- Clause 3 In this Act, the *State Grants Commission Act 1976* is referred to as the Principal Act.
- Clause 4 Amends section 4 of the Principal Act regarding the Constitution, &c., of the Commission. Subsection 4(1) has been amended to reduce the number of commission members from four members to three members. The Commission will consist of two local government nominated members, and a member nominated by the Secretary of the Department of Treasury and Finance (Treasury).
- Subsection (4)(1)(a) has been omitted to remove one commission member position.
- Subsection 4 has been amended to omit subsection 4(1)(c) and substitute it with subsection 4(1)(c) which provides that the member of the Commission appointed under subsection 4(1)(c) shall be a person who the Secretary of the Department of Treasury and Finance considers to have appropriate experience in business, financial or local government matters, and who is nominated by the Secretary of the Department and approved by the Minister.
- Section 4(4) is amended to specify that the member referred to in subsection (1)(c) is to be the Chair of the Commission.
- Clause 5 Amends section 5 of the Principal Act which specifies the maximum term of office for commission members. Subsection 5(1)(a) has been amended from three years to five years.
- Subsection 5(2) has been amended to include reference to a person appointed to the position of the Treasury nominated member in the event of a member dying or otherwise ceasing to hold office by reason other than the effluxion of time, also needing to be approved by the Minister.
- Subsection 5(2) has also been amended to omit the cross reference in section 5(2) to the now omitted section 4(1)(a).

- Clause 6 Amends section 6 of the Principal Act which specifies the Procedure of the Commission. Subsection (1)(b) has been amended to reduce the number of members that constitute a quorum of the Commission when holding a meeting at which the Commission decides to make recommendations or further recommendations to the Treasurer from four members to three members, consistent with the reduced number of members of the Commission.
- Subsection (1)(d) has been omitted from subsection (1) to remove the provisions providing the Chair a second casting vote in the event of a tied vote. With a membership of three, a power granting the Chair an additional vote to break a tied vote is no longer required.
- Subsection (2)(c) has been amended to reduce the number of members that constitute of quorum of the Commission when holding a meeting other than one referred to in subsection (1)(b) (being “non grant recommendation” meetings), from three members to two members.
- Clause 7 Repeals section 7 of the Principal Act which currently specifies the appointment of a State Service officer or State Service employee in the Department to be the secretary of the Commission and that officer or employee may hold office as the secretary of the Commission in conjunction with State Service employment.
- Section 7 is substituted with a clause that specifies that the Secretary of Treasury must make available to the Commission, staff and financial support who or that may be necessary to enable the Commission to exercise and perform the Commission’s powers and functions required under the *State Grants Commission Act 1976*.
- Clause 8 Repeals the Amendment Act one year following the commencement of the Amendment Act’s incorporation in the Principal Act.