

HOUSING AGREEMENT (COMMONWEALTH AND STATE).

No. 35 of 1974.

AN ACT to amend the Housing Agreement (Commonwealth and State) Act, 1973.

[Assented to 6th November, 1974.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Housing Agreement (Commonwealth and State) Act Amendment Act, 1974*.

Short title
and citation.

(2) In this Act the Housing Agreement (Commonwealth and State) Act, 1973 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Housing Agreement (Commonwealth and State) Act, 1973-1974.

Section 2
amended.

2. Section 2 of the principal Act is amended by deleting the interpretation "scheduled agreement" and substituting the following interpretations—

"schedule agreement" means, in section 3 of this Act, the agreement a copy of which is set forth in the First Schedule to this Act, and elsewhere in this Act means that agreement as varied by the supplemental agreement;

"supplemental agreement" means the agreement a copy of which is set forth in the Second Schedule to this Act. .

Section 3A
added.

3. The principal Act is amended by adding after section 3 the following new section—

Authoriza-
tion or
confirma-
tion of
execution
of supple-
mental
agreement.

3A. In order that the supplemental agreement may, as between the Commonwealth and the State, come into force as provided by Part I of the supplemental agreement—

- (a) the execution by or on behalf of the State of an agreement substantially in accordance with the form of the supplemental agreement, if not already executed prior to the coming into operation of this Act, is hereby authorized; or
- (b) if already executed by or on behalf of the State prior to the coming into operation of this Act, the execution of the agreement by or on behalf of the State is approved. .

4. The Schedule to the principal Act is amended by adding immediately before the word "SCHEDULE" the word "FIRST".

Schedule amended.

5. The principal Act is amended by adding at the end thereof the following schedule—

Second Schedule added.

SECOND SCHEDULE.

Section 3A.

A SUPPLEMENTAL AGREEMENT made the day of One thousand nine hundred and seventy— between THE COMMONWEALTH OF AUSTRALIA of the first part, THE STATE OF NEW SOUTH WALES of the second part, THE STATE OF VICTORIA of the third part, THE STATE OF QUEENSLAND of the fourth part, THE STATE OF SOUTH AUSTRALIA of the fifth part, THE STATE OF WESTERN AUSTRALIA of the sixth part and THE STATE OF TASMANIA of the seventh part.

WHEREAS—

- (a) by an agreement between the parties in the form set out in the Schedule to the Housing Agreement Act 1973 made the seventeenth day of October 1973 (in this agreement called "the Principal Agreement") provision was made in relation to housing for the welfare of persons who are in need of governmental assistance if their housing requirements are to be met;
- (b) it has been agreed between the parties that it is desirable that the Principal Agreement be varied in certain respects;
- (c) the Australian Parliament has authorized the execution by and on behalf of the Commonwealth of Australia of this agreement and the provision of financial assistance to the States in accordance with the Principal Agreement as varied by this agreement:

NOW IT IS HEREBY AGREED as follows:—

PART I—PRELIMINARY

1. This agreement shall come into force in respect of the Commonwealth and of a State when it has been signed on behalf of the Commonwealth and has been signed on behalf of the State with the authority of the Parliament of the State, or, having been signed on behalf of the State without that authority, is approved by the Parliament of the State.

Commencement of agreement.

Operation
in respect
of States.

2. Notwithstanding that in this agreement all the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania are named as parties, this agreement shall operate as an agreement between the Commonwealth and the State or States in respect of which it comes into force as fully and effectually as if the State or States in respect of which it comes into force were the only State or States named as parties.

Interpre-
tation.

3. Words and expressions used in this agreement to which a meaning is attributed in or for the purposes of the Principal Agreement shall, unless the contrary intention appears or the context otherwise requires, have in respect of their use in this agreement the respective meanings so attributed to them.

PART II—AMENDMENT OF PRINCIPAL AGREEMENT

Allocation
of
assistance.

4. Subclause (3) of clause 9 of the Principal Agreement is amended so that it provides as follows:—

(3) Where—

(a) a State has in each of the two financial years immediately preceding the first day of July 1973 allocated to its Home Builders' Account from the amount set aside for housing within the meaning of subsection (2) of section 3 of the States Grants (Housing) Act 1971 in excess of 30 per centum of that amount; or

(b) special circumstances in relation to a State warrant the allocation to its Home Builders' Account of more than 30 per centum of the total amount of the advances to be made by the Commonwealth to the State under this Agreement in respect of a financial year,

the State may, if at the request of the State Minister the Minister so approves, allocate as Home Builders' Account advances in respect of a financial year of this agreement more than 30 per centum of the total amount of the advances under this Agreement in respect of the financial year.

Amount of
advances.

5. Clause 10 of the Principal Agreement is amended by the addition of the following subclause:—

(3) At any time during a financial year after further consultation with the State Minister and having regard to the matters mentioned in subclause (2) the Minister

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may determine an additional amount or additional amounts to be advanced to a State in respect of the financial year.

6. (1) Subclause 24 (1) is amended by deleting the word "inclusive" and inserting in its place the word "exclusive".

Eligibility
of
borrowers.

(2) This amendment shall be deemed to have come into effect on the first day of November 1974.

7. The Principal Agreement as amended by this agreement is confirmed and shall be known and referred to as "the 1973-1974 Housing Agreement".

Confirma-
tion and
name.

In witness whereof, etc.
