

WESTERN AUSTRALIA.

RAILWAY STANDARDISATION AGREEMENT.

No. 51 of 1971.

AN ACT to amend the Railway Standardisation Agreement Act, 1961.

[Assented to 10th December, 1971.]

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 *Railway Standardisation Agreement Act Amendment Act, 1971.* Short title and citation.

(2) In this Act the Railway Standardisation Act No. 26 of 1961. Agreement Act, 1961, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Railway Standardisation Agreement Act, 1961-1971.

Amendment
to the long
title.

2. The long title to the principal Act is amended by substituting for the words "an Agreement" in line one the words "certain Agreements".

Section 2
repealed and
re-enacted.

3. Section 2 of the principal Act is repealed and re-enacted as follows—

Interpreta-
tion.

2. In this Act, unless the contrary intention appears—

"the agreement" means the agreement a copy of which is set forth in the First Schedule to this Act;

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

Section 3A
added.

4. The principal Act is amended by adding after section 3 a section as follows—

Approval of
amending
agreement.

3A. The amending agreement is approved and may be carried into effect notwithstanding the provisions of any other Act. .

Amendment
to s. 4.
(Appropria-
tion.)

5. Section 4 of the principal Act is amended by adding after the word "agreement" in line two the words "as amended by the amending agreement".

Amendment
to Schedule.

6. The heading to the Schedule to the principal Act is deleted and the following headings are substituted—

THE SCHEDULES.

FIRST SCHEDULE.

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7. The principal Act is amended by adding at the end thereof a schedule as follows—

Second Schedule added.

SECOND SCHEDULE.

S. 2.

THIS AGREEMENT made the ninth day of August One thousand nine hundred and seventy-one between THE COMMONWEALTH OF AUSTRALIA (in this agreement called "the Commonwealth") of the one part, and THE STATE OF WESTERN AUSTRALIA (in this agreement called "the State") of the other part is supplemental to an agreement (in this agreement referred to as "the Principal Agreement") made the second day of October, 1961 between the Commonwealth and the State in relation to the construction of a standard gauge railway between Kalgoorlie and Perth and other places in Western Australia and to the provision of financial assistance by the Commonwealth to the State for the purpose of carrying out of that railway work.

WHEREAS the scope of work to be carried out under the Principal Agreement has been revised in accordance with plans prepared on behalf of the State and the Commonwealth and agreed to by them with the result that the amount of the work and the cost of carrying out the work have been increased and the time necessary for the carrying out of the work has been extended:

AND WHEREAS the Commonwealth and the State are desirous of varying the Principal Agreement so that provision is made for the grant of financial assistance by the Commonwealth to the State in respect of the work beyond the period during which assistance is to be granted in accordance with the provisions of the Principal Agreement:

NOW IT IS HEREBY AGREED as follows:—

1. (1) This agreement shall have no force or effect and shall not be binding on either party until it has been approved by the Parliaments of the Commonwealth and of the State.

Approval of Agreement.

(2) Each party agrees to take all practicable steps to have this agreement approved by its Parliament without restriction or amendment as soon as practicable.

2. Upon coming into force and effect, this agreement shall be deemed to be incorporated and form part of the Principal Agreement and the Principal Agreement as varied by this agreement shall constitute the agreement between the Commonwealth and the State in relation to the said railway work and the provision of financial assistance in respect of that work and shall be known as "the Railway Agreement".

Operation of Agreement.

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Limitation
on Common-
wealth
Funds.

3. Notwithstanding anything contained in the Principal Agreement or in this agreement, the funds to be provided by the Commonwealth in pursuance of the Railway Agreement shall not exceed One hundred and six million two hundred and fifty thousand dollars (\$106,250,000).

Amendments
in relation to
payment by
the State.

4. (1) Paragraph (b) of subclause (1) of clause 12 of the Principal Agreement is deleted and the following provision is inserted in its place—

(b) as to an amount equal to seven-seventeenth of each of those payments, together with interest as hereinafter provided in this clause and not paid under subclause (3) of this clause—by forty equal semi-annual payments of principal and interest commencing as follows—

(i) in respect of payments made prior to the 15th day of June, 1969—on the 15th day of December, 1969;

(ii) in respect of payments made during the period commencing on the 15th day of June, 1969 and ending on the 30th day of June, 1971—on the 30th day of December, 1971;

(iii) in respect of payments made during a financial year after the financial year ending on the 30th day of June, 1971—on the 30th day of December first occurring after the end of the financial year during which the payments are made.

(2) Clause 13 of the Principal Agreement is rescinded.

(3) The amendments made by this clause shall take effect as if they had been made immediately after the Principal Agreement came into force and acts consistent with the Principal Agreement as so amended that have been done in pursuance of the Principal Agreement prior to the coming into force of this agreement shall be deemed to have been done in pursuance of the Railway Agreement.

Use of funds
for other
work.

5. (1) Notwithstanding anything contained in the Principal Agreement or in this Agreement, but without prejudice to the provisions of clause 5 of the Principal Agreement, the Minister upon the request of the State, may approve the inclusion in the work to be carried out under the Railway Agreement of work associated with the standard gauge railway that may reasonably be carried out in substitution for any work referred to in subclauses (1) and (2) of clause 6 of the Principal Agreement.

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(2) Expenditure in respect of which funds may be applied under subclause (1) of this clause shall for the purposes of the operation of the Railway Agreement be deemed to be expenditure by the State on the work.

IN WITNESS WHEREOF this agreement has been executed by the parties as at the date first above mentioned.

SIGNED on behalf of THE COMMONWEALTH OF AUSTRALIA by the Right Honourable WILLIAM McMAHON, the Prime Minister of the Commonwealth, in the presence of— } WILLIAM McMAHON

I. GRIGG

SIGNED on behalf of THE STATE OF WESTERN AUSTRALIA by the Honourable JOHN TREZISE TONKIN, the Premier of the State, in the presence of— } JOHN T. TONKIN

W. S. LONNIE
