

**COMMONWEALTH AND STATE
HOUSING.**

No. 2 of 1966.

**AN ACT relating to Financial Assistance from the
Commonwealth for the purposes of Housing.***[Assented to 16th September, 1966.]*

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. This Act may be cited as the *Commonwealth and State Housing Agreement Act, 1966.*

Short title
and citation.

2. In this Act—

Interpreta-
tion.

“scheduled agreement” means the agreement, a copy of which is set out in the Schedule to this Act;

“the 1956 Act” means the Commonwealth and State Housing Agreement Act, 1956.

Execution of
Agreement.

3. In order that the agreement between the Commonwealth and the State may come into force as provided by subclause (1) of clause one of the scheduled agreement—

- (a) the execution by or on behalf of the State of an agreement substantially in accordance with the form of the scheduled agreement is authorised; or
- (b) if the agreement has been executed by or on behalf of the State before the coming into operation of this Act, the execution of the agreement by or on behalf of the State is deemed to have been authorised, and the agreement as so executed is approved.

Application
of Act No. 6
of 1956.

4. (1) Subject to the agreement executed under the authority of this Act and to subsection (2) of this section, the 1956 Act shall be construed as though the agreement executed under the authority of that Act on the thirteenth day of February, nineteen hundred and fifty-seven, were amended—

- (a) as provided in the agreement executed under the authority of the Commonwealth and State Housing Agreement Act, 1961; and
- (b) as provided in the agreement executed under the authority of this Act.

(2) For the purposes of subsection (1) of this section—

- (a) the reference in subsection (4) of section six of the 1956 Act to sections two hundred and seventy and two hundred and seventy-one of the Companies Act, 1943 shall be read as a reference to section two hundred and ninety-one of the Companies Act, 1961; and
- (b) each reference in section six of the 1956 Act to Part VIII of the Companies Act, 1943 shall be read as a reference to Division 5 of Part X of the Companies Act, 1961.

SCHEDULE.

Section 3.

AN AGREEMENT made the _____ day of _____
One thousand nine hundred and sixty-_____ between
THE COMMONWEALTH OF AUSTRALIA (in this agreement
called "the Commonwealth") of the one 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 and intended to be supple-
mental to the agreement referred to in this agreement as
the 1956-1961 Agreement.

WHEREAS—

- (a) by an agreement (in this agreement called "the 1956 Agreement") dated the thirteenth day of February, 1957, between the Commonwealth and the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania and authorised or approved by the Parliaments of the Commonwealth and of the States, provision was made for the grant by the Commonwealth of financial assistance to the States for housing upon the terms and conditions set out in that agreement;
- (b) by an agreement (in this agreement called "the 1961 Agreement") dated the fourth day of October, 1961, and supplemental to the 1956 Agreement, the 1956 Agreement was amended and provision was made for the grant by the Commonwealth to the States of further financial assistance for housing upon the terms and conditions of the 1956 Agreement as so amended;
- (c) the Commonwealth has proposed to the States that the 1956 Agreement as so amended (in this agreement called "the 1956-1961 Agreement") be further amended and that the Commonwealth will grant further financial assistance to the States upon the terms and conditions set out in the 1956-1961 Agreement as so amended; and
- (d) the Parliament of the Commonwealth has authorised the execution by or on behalf of the Commonwealth of this agreement:

Section 3. NOW IT IS HEREBY AGREED as follows:—

Operation of
agreement.

1.—(1) This agreement shall come into force in respect of the Commonwealth and a State upon its execution by or on behalf of the Commonwealth and—

- (a) if the execution by or on behalf of the State is authorised by the Parliament of the State—its execution by or on behalf of the State; or
- (b) if it is executed by or on behalf of the State without the authority of the Parliament of the State—its approval by the Parliament of the State.

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

(3) Where in the 1956-1961 Agreement the word "State" or the expression "the States" means a State or the States in respect of which that agreement is in force, that word and that expression shall, for the purposes of the operation of the 1956-1961 Agreement as amended by this agreement, mean respectively a State or the States in respect of which this agreement has come into force.

Interpreta-
tion.

2. Subclause (1) of clause 3 of the 1956-1961 Agreement is amended as follows:—

- (a) by omitting from paragraph (i) of the definition of "member of the Forces" the word "or" (last occurring); and
- (b) by inserting immediately after paragraph (i) of that definition the following paragraph:—

"(ia) is a member of the Forces for the purposes of the Repatriation (Special Overseas Service) Act 1962-1965, as amended from time to time; or".

Advances
to States.

3. Clause 5 of the 1956-1961 Agreement is amended by inserting in subclause (1), immediately after the word "respectively" that was inserted by the 1961 Agreement, the words and figures—

"and during the financial years commencing on the first day of July in the years 1966, 1967, 1968, 1969 and 1970, respectively,".

4. Clause 6 of the 1956-1961 Agreement is amended by adding at the end thereof the following subclause:—

Allocation of
advances.

“(5) During each of the financial years commencing on the first day of July in the years 1966, 1967, 1968, 1969 and 1970, respectively, each State shall allocate for the provision of finance for home builders not less than thirty per centum of the total advances made to the State under clause 5 of this agreement in that financial year”.

5. Clause 7 of the 1956-1961 Agreement as set out in subclause (3) of clause 2 of the 1961 Agreement shall, in respect of the financial years commencing on the first day of July in the years 1966, 1967, 1968, 1969 and 1970, be substituted for and shall apply in lieu of clause 7 of the 1956 Agreement.

Funds for
Service
Dwellings.

6. Clause 9 of the 1956-1961 Agreement is amended by inserting in subclause (3A), immediately after the word “respectively”, the words and figures—

Interest.

“and during the financial years commencing on the first day of July in the years 1966, 1967, 1968, 1969, and 1970, respectively.”.

7. Clause 11 of the 1956-1961 Agreement is amended by omitting therefrom subclause (2).

Erection of
dwellings.

8. Clause 13 of the 1956-1961 Agreement is amended by omitting subclause (2) and inserting in its place the following subclause:—

Dwellings
for serving
members of
the Forces.

“(2) Dwellings that are to be erected by the State pursuant to this clause and are commenced after the thirtieth day of June, 1966, may, at the request of the Minister and with the concurrence of the appropriate Minister of the State, be of a size and standard that accord with, but do not exceed, the scales and standards for the time being set out in the Services' Scales and Standards of Accommodation for the time being issued under the authority of the Department of Defence of the Commonwealth.”.

9. Clause 16 of the 1956-1961 Agreement is amended as follows:—

Home
Builders'
Account.

(a) by omitting from subclause (3) the words “the next succeeding subclause” and inserting in their place the words “the succeeding provisions of this clause”;

- (b) by inserting after subclause (3) the following subclause:—

“(3AA) Portion of the moneys available in the Home Builders’ Account may, if the Minister at the request of the appropriate Minister of the State so approves, be allocated by the State for loans to a Government lending institution of the State approved by the Minister, for the provision by the institution of finance to home builders in rural areas of the State and the State may use that portion for the provision of finance for home builders in those areas by loans to the approved institution subject to and in accordance with such terms and conditions as are from time to time agreed between the Minister and the appropriate Minister of the State.”;

- (c) by inserting in subclause (3A) immediately after the word “allocation” (first occurring) the words “other than an allocation to which subclause (3AA) applies”;
- (d) by omitting from subclause (3B) the words “under the last preceding subclause”, and inserting in their place the words “for the purposes of either of the last two preceding subclauses”;
- (e) by omitting from paragraph (c) of subclause (3B) the word “and” (second occurring); and
- (f) by inserting in subclause (3B) immediately after paragraph (c) the following paragraph:—

“(ca) the needs of home builders in rural areas of the State in which there are no building societies operating and in which it would be difficult to form a building society and administer it efficiently; and”.

Advances
made before
coming into
force of
Agreement.

10. Where, before this agreement has come into force in respect of a State, the Commonwealth has, in pursuance of section 5 of the Housing Agreement Act 1966, made an advance to the State, the advance shall be deemed to have been made under the 1956-1961 Agreement as amended by this agreement and the 1956-1961 Agreement as so amended shall apply, and shall be deemed at all times to have applied, to and with respect to the advance.

Reference
to amended
Agreement.

11. The 1956-1961 Agreement as amended by this agreement shall be known as “the 1956-1966 Housing Agreement”.

IN WITNESS WHEREOF, &c.