WESTERN AUSTRALIA.

FRUIT-GROWING **RECONSTRUCTION SCHEME.**

No. 87 of 1973.

AN ACT to amend the Fruit-growing Reconstruction Scheme Act. 1972.

[Assented to 21st December, 1973.]

RE 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 Fruit- $\frac{\text{Short title.}}{\text{and citation.}}$ growing Reconstruction Scheme Act Amendment Act, 1973.

(2) In this Act the Fruit-growing Reconstruction Scheme Act, 1972, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fruit-growing Reconstruction Scheme Act, 1972-1973.

This Act shall come into operation on a date

Commencement.

2.

to be fixed by proclamation.

Section 3 amended.

- 3. Section 3 of the principal Act is amended—
 - (a) by deleting the words "Schedule to this Act" in lines three and four of the definition "Agreement" and substituting the words "First Schedule to this Act as varied by the Supplemental Agreement";
 - (b) by deleting the passage "State." in the last line of the definition "Scheme" and substituting the passage "State;" ; and
 - (c) by adding after the definition "Scheme" the following definition—
 - "the Supplemental Agreement" means the agreement between the Commonwealth and the State a copy of which is set forth in the Second Schedule to this Act.

Section 5A added.

4. The principal Act is amended by adding after section 5 the following section—

Execution of Supplemental Agreement approved.

5A. The execution of the Supplemental Agreement on behalf of the State is approved.

Schedule amended.

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

THE SCHEDULES.

FIRST SCHEDULE.

Second Schedule added.

6. The principal Act is amended by adding at the end thereof the following Schedule—

SECOND SCHEDULE.

THIS AGREEMENT made the

One thousand nine hundred and seventybetween—

THE COMMONWEALTH OF AUSTRALIA of the first part,

day of

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

is supplemental to the agreement in relation to the provision of financial assistance for persons engaged in fruitgrowing industries throughout Australia (in this Agreement called "the Principal Agreement") that was approved by the States Grants (Fruit-growing Reconstruction) Act 1972 and was made between the Commonwealth and all the States the second day of November 1972.

WHEREAS-

- (a) the Principal Agreement is deemed to have commenced as between the Commonwealth and each State on the fourteenth day of July 1972;
- (b) the Commonwealth and the States are desirous of extending the financial assistance to be provided under the Principal Agreement and of varying certain of the provisions of the Principal Agreement;
- (c) the Parliament of the Commonwealth will be requested to approve this Agreement and to authorise the grant of financial assistance to the States in accordance with the provisions of the Principal Agreement as varied by this Agreement.

NOW IT IS HEREBY AGREED as follows-

1. This Agreement shall have no force or effect and shall Approval of Agreement. Not be binding upon any party until it has been approved by the Parliament of the Commonwealth.

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Commencement of Agreement. 2. Upon being approved by the Parliament of the Commonwealth, this Agreement shall be deemed to have come into force and to have commenced on the first day of July 1973, so that the Principal Agreement shall be regarded as having been varied on that date and as providing for and giving affect to acts done on and from that date as if it had been so varied.

Construction and Operation of Agreements.

3. (1) In this Agreement, each State that is a party is
referred to as a "State", and the expression "the States"
means, except where the context otherwise requires, all of the States that are for the time being parties.

(2) The Principal Agreement as varied by this Agreement shall be construed as if this Agreement were incorporated in and formed part of the Principal Agreement and so that, except where the context otherwise requires, references in the Principal Agreement to that Agreement were references to that Agreement as varied by and incorporating the provisions of this Agreement.

(3) Except where the contrary intention appears, expressions used in this Agreement that are expressions to which meanings are attributed in the Principal Agreement have in this Agreement the respective meanings so attributed to them.

ton of 4. Clause 7 of the Principal Agreement is amended by deleting the date "the thirtieth day of June, 1973" and inserting in its place the date "the thirtieth day of June, 1974".

Amendments 5. (1) The Schedule to the Principal Agreement is amended of the Schedule. as follows—

(a) by adding to paragraph 1.2 the following sentence-

The canning apricot industry shall be regarded as having qualified for financial assistance as from 16 March 1973.

- (b) by rewording paragraph 2.2 to read as follows—
 - 2.2 The maximum rate of assistance will be \$500 per acre for canning peaches, canning pears and canning apricots and \$350 per acre for fresh apples and fresh pears.
- (c) by rewording paragraph 2.3 to read as follows—
 - 2.3 The Authority will administer the Scheme so that the average rate of assistance does not exceed \$350 per acre for canning peaches, canning pears and canning apricots and \$250 per acre for fresh apples and fresh pears, respectively.

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- (d) by deleting from paragraph 2.5 the words "canning peach and canning pear" and inserting in their place the words "canning peach, canning pear and canning apricot";
- (e) by deleting from paragraph 3.1 the date "31 October, 1973" and inserting in its place "31 October, 1974";
- (f) by adding to paragraph 3.1 the following further sentence-

Where the application was made prior to 1 July, 1973, but assistance has not been paid due to failure by the applicant to proceed and in the opinion of the Authority the applicant is responsible for such failure, the application shall be deemed to have lapsed and no financial assistance will be provided under the Scheme in respect of the removal at any time of the trees that are the subject of the application.

(2) The amendments made by subclause (1) of this clause shall be deemed to have taken effect as follows—

- (a) the amendment made by paragraph (a)—on 16 March, 1973;
- (b) the amendment made by paragraph (b)—as from 16 March, 1973;
- (c) the amendment made by paragraph (c) in respect of fresh apples and fresh pears—as from the commencement of the Scheme;
- (d) the amendment made by paragraph (c) in respect of canning apricots—as from 16 March, 1973;
- (e) the amendment made by paragraph (d)—as from the commencement of the Principal Agreement;
- (f) the amendments made by paragraphs (e) and (f) —on the coming into force of this Agreement.

6 The Principal Agreement except in so far as its provisions are varied by this Agreement, is confirmed and, as so varied, shall be known as "the 1972-1973 Fruit-Growing Reconstruction Agreement". Confirmation and Title of Agreement.