

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 9 June 1981

(*Minister for Administrative Services*)

A BILL

FOR

An Act relating to the Christmas Island Agreement

5 BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Christmas Island Agreement Amendment Act 1981*.

10 (2) The *Christmas Island Agreement Act 1958*¹ is in this Act referred to as the Principal Act.

Approval of agreement

2. The agreement a copy of which is set out in the Schedule is approved.

Interpretation

15 3. Section 4 of the Principal Act is amended by inserting before the definition of "the Commission" the following definition:

" 'the amended agreement' means the agreement approved by section 6 as amended by the agreement approved by the *Christmas Island*

Agreement Act 1976 and by the agreement approved by the Christmas Island Agreement Act 1981;"

Continuance of Christmas Island Phosphate Commission

4. Section 7 of the Principal Act is amended by omitting from sub-section (1) "the agreement approved by this Act" and substituting "the amended agreement".

SCHEDULE

Section 2

AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NEW ZEALAND TO AMEND THE CHRISTMAS ISLAND AGREEMENT 1958

The Government of Australia and the Government of New Zealand, having on the 30th September 1958 entered into the agreement known as the Christmas Island Agreement 1958 ("the Principal Agreement"); having amended certain provisions of the Principal Agreement by an agreement entered into on the 8th September 1976 ("the First Amending Agreement"); and desiring to amend certain other provisions of the Principal Agreement, have agreed as follows:

Article 1

1. The paragraph comprising Article 4 of the Principal Agreement is omitted and the following paragraphs are inserted in its stead:

- "1. In the exercise of its responsibilities under Article 2 of this Agreement to manage and control on behalf of the said Governments the working of the said property, the Commission shall employ such managing agents as are jointly nominated by the said Governments.
- "2. Managing agents shall be employed by the Commission under paragraph 1 of this Article on such terms as are agreed upon between the Commission and the managing agents and approved by the said Governments."

2. Sub-paragraph (a) of Article 5 is omitted and the following sub-paragraph is inserted in its stead:

- "(a) subject to the provision of sub-paragraph (b) of this Article, dispose of phosphate in Australia and New Zealand at a price and upon terms agreed upon by the two Governments;"

Article 2

Notwithstanding anything contained in the Principal Agreement as amended by the First Amending Agreement and by this Agreement, the title of the Commission to phosphate rock in stockpiles in Australia and New Zealand and phosphate rock in transit to the said countries at a date agreed upon by the said Governments may be transferred by the Commission to, or otherwise vested in, each of the respective Governments at a time and on terms agreed upon by the two Governments.

Article 3

The amendment of the Principal Agreement by this Agreement shall not affect the validity or efficacy of any act done prior to, or any matter subsisting at, the coming into force of this Agreement which was done or which arose prior to that date in pursuance of the provisions of the Principal Agreement as amended by the First Amending Agreement.

Article 4

1. Subject to paragraph 2 of this Article, this Agreement shall come into force on the date on which the Government of Australia notifies the Government of New Zealand that it has completed the processes necessary in Australia to give effect to this Agreement.

SCHEDULE—continued

2. The amendments of the Principal Agreement made by Article 1 shall take effect on the 1st July 1981.

3. The Principal Agreement as amended by the First Amending Agreement and by this Agreement shall be known as the Christmas Island Agreement 1958-1981.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement, and have affixed thereto their seals.

DONE at Canberra this ninth day of June 1981.

Michael MacKellar
For the Government of Australia

L. J. Francis
For the Government of New Zealand

NOTE

1. No. 69, 1958, as amended by No. 216, 1973.

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