



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 106 of 1974

An Act to authorize the execution by or on behalf of the State of a Supplemental Agreement between the Commonwealth of Australia and the States of Australia in relation to housing.

[Assented to 5th December, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Housing Agreement Act, 1974".

Interpretation.

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

"the Supplemental Agreement" means an agreement substantially in the form set out in the schedule to this Act.

Approval of execution of Supplemental Agreement.

3. (1) The execution by or on behalf of the State of the Supplemental Agreement is authorized.

(2) The Treasurer may do or cause to be done all things necessary and incidental to the carrying out and giving full effect to the Supplemental Agreement as executed.

THE SCHEDULE

Section 2.

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.
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. Operation in respect of States.
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. Interpretation.

PART II
AMENDMENT OF PRINCIPAL AGREEMENT

4. Subclause (3) of clause 9 of the Principal Agreement is amended so that it provides as follows: Allocation of Assistance.
 - (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.
5. Clause 10 of the Principal Agreement is amended by the addition of the following subclause:— Amount of Advances.
 - (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 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". Confirmation and Name.

IN WITNESS WHEREOF this agreement has been executed on behalf of the parties respectively as at the day and year first above written.

SIGNED by the Honourable EDWARD GOUGH WHITLAM,
Prime Minister of Australia, in the presence of—

SIGNED by the Honourable SIR ROBERT WILLIAM ASKIN,
Premier of New South Wales, in the presence of—

SIGNED by the Honourable RUPERT JAMES HAMER, Premier
of Victoria, in the presence of—

SIGNED by the Honourable JOHANNES BJELKE-PETERSEN,
Premier of Queensland, in the presence of—

SIGNED by the Honourable DONALD ALLAN DUNSTAN,
Premier of South Australia, in the presence of—

SIGNED by the Honourable SIR CHARLES WALTER MICHAEL
COURT, Premier of Western Australia, in the presence of—

SIGNED by the Honourable ERIC ELLIOTT REECE, Premier
of Tasmania, in the presence of—

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor