

**FRUIT-GROWING RECONSTRUCTION AGREEMENT
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 73, 1974.

An Act to approve and ratify an Agreement supplemental to a certain Agreement between the Commonwealth and the State of New South Wales in relation to fruit-growing reconstruction; for this and other purposes to amend the Fruit-growing Reconstruction Agreement Act, 1973; to validate certain matters; and for purposes connected therewith. [Assented to, 14th November, 1974.]

BE

Fruit-growing Reconstruction Agreement (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 73, 1974 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Fruit-growing Reconstruction Agreement (Amendment) Act, 1974". Short title.

2. The Fruit-growing Reconstruction Agreement Act, 1973, is in this Act referred to as the Principal Act. Principal Act.

3. The Principal Act is amended—

Amendment of Act No. 51, 1973.

- (a) (i) by inserting in section 2 (1) after the word "the" where firstly occurring the words "Fruit-growing Reconstruction"; Sec. 2. (Interpretation.)
- (ii) by omitting from section 2 (1) the words "the Schedule" and by inserting instead the words "Schedule 1, read with the Agreement, a copy of which is set out in Schedule 2";
- (iii) by inserting in section 2 (2) before the word "Agreement" wherever occurring the words "Fruit-growing Reconstruction";
- (b) (i) by omitting from section 3 (1) the words "Agreement is" and by inserting instead the words "Agreements, copies of which are set out in Schedules 1 and 2, are"; Sec. 3. (Ratification of Agreement.)
- (ii) by omitting from section 3 (1) the words "and may be carried into effect notwithstanding the provisions of any other Act";

(iii)

Fruit-growing Reconstruction Agreement (Amendment).

- No. 73, 1974 (iii) by inserting after section 3 (1) the following subsection :—
(1A) The Fruit-growing Reconstruction Agreement may be carried into effect notwithstanding the provisions of any other Act.
- (iv) by inserting in section 3 (2) before the word “Agreement” wherever occurring the words “Fruit-growing Reconstruction”;
- Sec. 4. (Validation.) (c) by inserting in section 4 (a) after the word “Agreement” the words “, a copy of which is set out in Schedule 1.”;
- Sec. 5. (Financial arrangements.) (d) by inserting in section 5 before the word “Agreement” wherever occurring the words “Fruit-growing Reconstruction”;
- Sec. 6. (Grant of assistance.) (e) by inserting in section 6 (1) before the word “Agreement” the words “Fruit-growing Reconstruction”;
- Schedule. (f) (i) by omitting from the Schedule the heading thereto and by inserting instead the heading “SCHEDULE 1.”;
- (ii) by inserting at the end of the Schedule the following Schedule :—

Sec. 2.

SCHEDULE 2.

THIS AGREEMENT made the twenty-fourth day of November one thousand nine hundred and seventy-three 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

is

Fruit-growing Reconstruction Agreement (Amendment).

is supplemental to the agreement in relation to the provision of financial assistance for persons engaged in fruit-growing 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. No. 73, 1974

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 not be binding upon any party until it has been approved by the Parliament of the Commonwealth. Approval 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 effect to acts done on and from that date as if it had been so varied. Commencement of Agreement.

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. Construction and Operation of Agreements.

(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.

Fruit-growing Reconstruction Agreement (Amendment).

- No. 73, 1974** 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'.
- Extension of Financial Assistance. Amendments of the Schedule.** 5.—(1.) The Schedule to the Principal Agreement is amended 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.
 - (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 sub-clause (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)

Fruit-growing Reconstruction Agreement (Amendment).

- (d) the amendment made by paragraph (c) in respect of canning No. 73, 1974 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 Confirmation varied by this Agreement, is confirmed and, as so varied, shall be and Title of known as “the 1972–1973 Fruit-Growing Reconstruction Agreement”. Agreement.

IN WITNESS WHEREOF this Agreement has been executed as at the day and year first above written.

SIGNED for and on behalf of THE
COMMONWEALTH OF AUSTRALIA by
the Honourable EDWARD GOUGH
WHITLAM, Prime Minister, in the
presence of—

ELIZABETH REID.

E. G. WHITLAM.

SIGNED for and on behalf of THE
STATE OF NEW SOUTH WALES
by the Honourable SIR ROBERT
WILLIAM ASKIN, Premier, in the
presence of—

B. DAVIES.

R. W. ASKIN.

SIGNED for and on behalf of THE
STATE OF VICTORIA by the Honour-
able RUPERT JAMES HAMER,
Premier, in the presence of—

J. COLQUHOUN.

R. J. HAMER.

SIGNED for and on behalf of THE
STATE OF QUEENSLAND by the
Honourable JOHANNES BJELKE-
PETERSEN, Premier, in the presence
of—

A. B. CAVANAGH.

JOH. BJELKE-PETERSEN.

SIGNED for and on behalf of THE
STATE OF SOUTH AUSTRALIA by
the Honourable DONALD ALLAN
DUNSTAN, Premier, in the presence
of—

J. A. WHITE.

DON DUNSTAN.

SIGNED

Fruit-growing Reconstruction Agreement (Amendment).

No. 73, 1974 SIGNED for and on behalf of THE
STATE OF WESTERN AUSTRALIA by
the Honourable JOHN TREZISE
TONKIN, Premier, in the presence
of—

} JOHN T. TONKIN.

R. S. SEDDON.

SIGNED for and on behalf of THE
STATE OF TASMANIA by the Hon-
ourable ERIC ELLIOTT REECE,
Premier, in the presence of—

} ERIC REECE.

C. W. HALLAM.

Validation
and
saving.

4. (1) In this section "the Fruit-growing Reconstruction Agreement" has the same meaning as in the Principal Act as amended by this Act.

(2) Any act, matter or thing done pursuant to the Fruit-growing Reconstruction Agreement before the commencement of this Act shall have, and shall be deemed always to have had, the same force and effect as it would have, or would have had, if the Fruit-growing Reconstruction Agreement and this Act had been in force when the act, matter or thing was done.

(3) Any instrumentality which was, immediately before the commencement of this Act, the Authority for the purposes of the Principal Act and the Agreement, within the meaning of that Act, shall, on and from that commencement, be deemed to have been designated by the Minister under section 2 (2) of that Act, as amended by this Act, to be the Authority for the purposes of that Act, as so amended, and the Fruit-growing Reconstruction Agreement.

APPROPRIATION