

**STATES GRANTS (RURAL ADJUSTMENT) AGREEMENT RATIFICATION (AMENDMENT) ACT,
1980, No. 121**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 121, 1980.

An Act to approve, ratify and confirm an Agreement supplemental to a certain Agreement between the Commonwealth and the State of New South Wales in relation to rural adjustment; for this and other purposes to amend the States Grants (Rural Adjustment) Agreement Ratification Act, 1977; and to validate certain matters. [Assented to, 18th November, 1980.]

States Grants (Rural Adjustment) Agreement Ratification (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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 "States Grants (Rural Adjustment) Agreement Ratification (Amendment) Act, 1980". Short title.

2. The States Grants (Rural Adjustment) Agreement Ratification Act, 1977, is referred to in this Act as the Principal Act. Principal Act.

3. The Principal Act is amended—

- Amendment
of Act No.
104, 1977.
- (a) (i) by inserting in section 2 (1) before the word "Agreement" where firstly occurring the words "States Grants (Rural Adjustment)"; Sec. 2.
(Interpre-
tation.)
- (ii) by inserting in section 2 (1) after the matter "Schedule 1" the words ", 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" the words "States Grants (Rural Adjustment)";
- (b) by omitting from section 3 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.
(Ratifi-
cation.)
- (c) (i) by inserting in section 4 (1) before the word "Agreement" the words "States Grants (Rural Adjustment)"; Sec. 4.
(Implemen-
tation.)
- (ii) by inserting in section 4 (2) before the word "Agreement" wherever occurring the words "States Grants (Rural Adjustment)";

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- Sec. 5.
(Validation.) (d) by inserting in section 5 (a) after the word "Agreement" the words ", a copy of which is set out in Schedule 1,";
- Sec. 6.
(Acquisition of certain land.) (e) by inserting in section 6 (1) before the word "Agreement" the words "States Grants (Rural Adjustment)";
- Sch. 2. (f) by inserting after Schedule 1 the following Schedule :—

Sec. 2.

SCHEDULE 2.

AN AGREEMENT made the thirty-first day of March One thousand nine hundred and eighty 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;
 THE STATE OF TASMANIA of the seventh part; and
 THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part;

which are in this agreement referred to respectively as the Commonwealth, as a State or collectively as the States, and as the Territory.

WHEREAS—

- (A) the Commonwealth and the States are parties to an agreement made the 1st January, 1977 (in this agreement referred to as "the Principal Agreement") under which a Scheme has been established to provide assistance to persons engaged in rural industries throughout Australia;
- (B) the execution of the Principal Agreement on behalf of the Commonwealth was approved by the States Grants (Rural Adjustment) Act 1976 which also authorized the making to a State, by way of financial assistance, on the terms and conditions contained in the Principal Agreement, of the payments by the Commonwealth to that State provided for in the Principal Agreement;

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SCHEDULE 2—*continued.*

- (C) the Commonwealth and the States are desirous of varying the provisions of the Principal Agreement;
- (D) following the establishment of the Territory as a body politic by the Northern Territory (Self-Government) Act 1978, the Commonwealth and the Territory have proposed, and the States have agreed, that the operation of the Scheme be extended to persons engaged in rural industries in the Territory and that the Territory should accordingly become a party to the Principal Agreement;
- (E) the Commonwealth and the States are desirous of making provision for and in relation to the expenditure, upon all or any of the forms of financial assistance specified in clause 5 of the Principal Agreement as proposed to be varied by this agreement, of certain moneys held by, or repayable by certain persons to, the States, being moneys that were granted or deemed to have been granted to the States under the Loan (Farmers' Debt Adjustment) Act 1935 or under that Act as amended and in force from time to time; and
- (F) the Parliament of the Commonwealth has authorized the execution of this agreement by and on behalf of the Commonwealth and the provision of financial assistance to the States as provided in this agreement:

NOW IT IS HEREBY AGREED as follows:

1. (1) Except for the purposes of clause 2, this agreement shall, as between the Commonwealth and a State, come into force when it has been entered into by the Commonwealth and that State.

(2) This agreement shall, as between the Commonwealth and the Territory, come into force when it has been entered into by the Commonwealth and the Territory.

(3) Notwithstanding that all the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania and the Northern Territory of Australia are named as parties to this agreement, this agreement—

- (a) shall operate as an agreement between the Commonwealth and each State in respect of which it has come into force as fully and effectually as if the State or States in respect of which it has come into force were the only State or States named as a party or as parties to the agreement; and

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SCHEDULE 2—*continued.*

- (b) when it has come into force in respect of the Territory, whether or not it has come into force in respect of a State or States, shall operate as an agreement between the Commonwealth and the Territory as fully and effectually as if the Commonwealth and the Territory were the only parties named as parties to the agreement.
- (4) In this agreement, each State in respect of which the agreement has come into force is referred to as a "State", and the expression "the States" means, except where the context otherwise requires, all of the States in respect of which for the time being the agreement is in force.
2. (1) The Territory shall on and as from the 1st July 1980 become a party with the Commonwealth and the States to the Principal Agreement as varied by this agreement as if the Territory were named as a party to the Principal Agreement.
- (2) For the purposes of the operation of this clause—
- (a) references in the Principal Agreement as varied by this agreement to a State shall include the Territory and the expression "the States" shall have a corresponding construction;
- (b) the Minister in relation to the Territory shall be the Minister of the Territory who for the time being has executive authority in respect of the matters to which the Principal Agreement as varied by this agreement relates; and
- (c) any reference in a geographical sense to a State shall be construed as including a reference to the Northern Territory.
3. (1) The following sub-clause is inserted in clause 11 of the Principal Agreement immediately after sub-clause (1):
- (1A) The amount to be made available to a State during a financial year determined under sub-clause (1) may, at any time the Commonwealth so considers fit, after consultation with the other States, be increased by the addition of a supplementary amount determined by the Commonwealth at that time.
- (2) The following sub-clause is inserted in clause 11 after sub-clause (2):
- (3) When an amount of financial assistance determined in respect of a State under the preceding sub-clauses will not be required by the State during the period for which the amount is determined, the

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amount, or such part of that amount as the Commonwealth determines, may, with the consent of that State, be allocated by the Commonwealth to another State and the respective amounts of financial assistance to which those States are entitled under this clause during the relevant period shall be adjusted accordingly.

4. The following heading and clause are inserted in the Principal Agreement immediately after clause 11:

Pre-commitment of Assistance

11A. (1) Where the Minister for Primary Industry of the Commonwealth has, upon the State establishing to his satisfaction that the circumstances so warrant, authorized the State during a financial year to commit to the Scheme financial assistance to be received under this agreement during the next succeeding financial year, the Authority of the State may approve the provision of assistance under the Scheme to the extent of the amount or amounts that have been so authorized by the Minister.

(2) Any amounts that are approved by the Authority of the State under sub-clause (1) shall be included in the amount of financial assistance to be made available by the Commonwealth to the State for the purposes of the Scheme as determined under clause 11 in respect of the financial year for which the amounts have been approved.

5. The Schedule to the Principal Agreement is amended as follows:

- (a) by inserting in paragraph (a) of Part 1 after "pastoral industries" the words "the apicultural industry";
- (b) by deleting paragraph (2) (a) of Part 4 and inserting in its place the following paragraph:
 - (a) The applicant must be able to demonstrate to the satisfaction of the Authority that he is an established bona fide farmer who intends remaining on his property and that the proposed improvements are of such a kind as to offer sound prospects of long term commercial viability if assistance under the Scheme were provided.
- (c) by deleting from the second sentence of paragraph (3) (a) of Part 7 the words "two years" and inserting in their place the words "three years";

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(d) by deleting from paragraph (3) (i) of Part 7 the words “six months” and inserting in their place the words “twelve months”; and

(e) by deleting from paragraph (3) (1) of Part 7 the sum “\$3,000” and inserting in its place the sum “\$5,000”.

6. (1) Each State shall expend, in such manner and at such times as the State may from time to time determine, upon such of the forms of financial assistance to persons engaged in rural industries in the State specified in clause 5 of the Principal Agreement as varied by this Agreement as the State may from time to time determine, moneys that were held by the State at the time of the execution of this agreement by the State, and moneys repaid to the State that, at that time, were repayable to the State, being moneys that were granted or deemed to have been granted to the State under the Loan (Farmers’ Debt Adjustment) Act 1935 or under that Act as amended and in force from time to time.

(2) Moneys expended by a State in accordance with sub-clause (1) shall not be taken to be financial assistance made available by the Commonwealth to the State for the purposes of the scheme established and operated by the State in accordance with clause 4 of the Principal Agreement as varied by this Agreement.

7. The Principal Agreement is confirmed to the intent that its operation prior to the date upon which the variations made by this agreement take effect shall not be affected and that as from that date it shall have effect as varied by this agreement.

Validation
and
saving.

4. (1) In this section, “the States Grants (Rural Adjustment) 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 States Grants (Rural Adjustment) 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 States Grants (Rural Adjustment) Agreement and this Act had been in force when the act, matter or thing was done.

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(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 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 States Grants (Rural Adjustment) Agreement.
