

**HOUSING AGREEMENT (SUPPLEMENTAL AGREEMENT)**

No. 97 of 1974

ANALYSIS

1. Short title and incorporation.
2. Agreement between Prime Minister and Premier.
3. Execution of agreement.

AN ACT to enable an agreement to be executed and given effect to in relation to housing in this State.

[19 December 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Housing Agreement (Supplemental Agreement) Act 1974*. Short title and incorporation.

(2) This Act is incorporated, and shall be read as one, with the *Housing Agreement Act 1973*.

Agreement
between Prime
Minister and
Premier.

2 The Premier of this State may enter into an agreement with the Prime Minister of the Commonwealth in accordance or substantially in accordance with the draft agreement a copy of which is contained in the Schedule.

Execution of
agreement.

3 Notwithstanding any law or rule of law to the contrary, the agreement referred to in section 2, when it has been executed by the Prime Minister of the Commonwealth and the Premier of this State, shall be given effect to according to its tenor.

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

Commencement
of Agreement

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.

Operation in
respect of
States

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.

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 meaning so attributed to them. Interpretation

PART II—AMENDMENT OF PRINCIPAL AGREEMENT

4. Sub-clause (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 sub-section (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 sub-clause: 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 sub-clause (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) Sub clause 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— }