

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 30 April 1992

(*Minister for Primary Industries and Energy*)

A BILL

FOR

An Act to amend the *States and Northern Territory Grants (Rural Adjustment) Act 1988*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *States and Northern Territory Grants (Rural Adjustment) Amendment Act 1992*.

5 (2) In this Act, "**Principal Act**" means the *States and Northern Territory Grants (Rural Adjustment) Act 1988*¹.

Commencement

2.(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

10 (2) Sections 6 and 7, subsection 10(1) and sections 11 and 12 are taken to have commenced on 20 December 1991.

(3) Section 8, subsection 10(2) and section 13 are taken to have commenced on 1 March 1992.

Long title

3. The long title to the Principal Act is amended by omitting “**and the Northern Territory**” and substituting “**, the Northern Territory and the Australian Capital Territory**”. 5

Short title

4. Section 1 of the Principal Act is amended by omitting “*and Northern Territory*”.

Interpretation 10

5. Section 3 of the Principal Act is amended by omitting the definition of “State” and substituting the following definition:

“‘State’ includes the Northern Territory and the Australian Capital Territory.”.

Approval of execution of agreement 15

6. Section 4 of the Principal Act is amended by omitting “the Schedule” and substituting “Schedule 1”.

7. After section 4 of the Principal Act the following section is inserted:

Approval of execution of first amending agreement 20

“4A. The execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and all or any of the States substantially in accordance with the form set out in Schedule 2 is approved.”.

8. After section 4A of the Principal Act the following section is inserted: 25

Approval of execution of second amending agreement

“4B. The execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and all or any of the States substantially in accordance with the form set out in Schedule 3 is approved.”. 30

9. After section 4B of the Principal Act the following section is inserted:

Approval of execution of supplemental agreement with the Australian Capital Territory

5 "4C. The execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and the Australian Capital Territory substantially in accordance with the form set out in Schedule 4 is approved."

Payments by Commonwealth

10 **10.(1)** Section 5 of the Principal Act is amended:

(a) by inserting ", as amended by the agreement mentioned in section 4A," after "section 4";

(b) by inserting "as so amended" after "that agreement".

(2) Section 5 of the Principal Act is amended by omitting "agreement mentioned in section 4A" and substituting "agreements mentioned in sections 4A and 4B".

15 (3) Section 5 of the Principal Act is amended:

(a) by inserting "or affected" after "amended" (wherever occurring);

(b) by omitting "and 4B" and substituting ", 4B and 4C".

Heading to Schedule

20 11. The heading to the Schedule to the Principal Act is amended by omitting "SCHEDULE" and substituting "SCHEDULE 1".

Insertion of Schedule 2

12. The Principal Act is amended by adding at the end the Schedule set out in Schedule 1 to this Act.

Insertion of Schedule 3

25 13. The Principal Act is amended by adding at the end the Schedule set out in Schedule 2 to this Act.

Insertion of Schedule 4

14. The Principal Act is amended by adding at the end the Schedule set out in Schedule 3 to this Act.

SCHEDULE 1

Section 12

**SCHEDULE TO BE ADDED AT THE END OF THE
 PRINCIPAL ACT**

“SCHEDULE 2

Section 4A

FIRST AMENDING AGREEMENT

THIS AMENDING AGREEMENT is made the day of
 BETWEEN

THE COMMONWEALTH OF AUSTRALIA (in this agreement called
 “the Commonwealth”) 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 WESTERN AUSTRALIA of the fifth part,

THE STATE OF SOUTH AUSTRALIA of the sixth part,

THE STATE OF TASMANIA of the seventh part,

THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part,

WHEREAS—

- (A) The Commonwealth, the States and the Northern Territory of Australia entered into an Agreement relating to rural adjustment dated by the parties with various dates in December 1988 and January 1989, (“the Agreement”);
- (B) It is desired to amend that Agreement, pursuant to clause 27, to give effect to changes recently agreed by the relevant Ministers of the Governments party to this Amending Agreement.

NOW IT IS HEREBY AGREED as follows:

1. (1) In this Amending Agreement, each State and the Northern Territory of Australia in respect of which the Amending 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 and the Northern Territory of Australia in respect of which for the time being the Amending Agreement is in force.
- (2) This Amending Agreement shall, as between the Commonwealth and a State executing it, be deemed to have come into force on the 1st July 1991.

SCHEDULE 1—continued

- (3) Notwithstanding that in this Amending Agreement all the States of New South Wales, Victoria, Queensland, Western Australia, South Australia and of Tasmania and the Northern Territory of Australia are named as parties, this Amending Agreement shall operate as an agreement between the Commonwealth and the party or parties in respect of which it comes into force as fully and effectually as if the party or parties in respect of which it comes into force were the only party or parties so named other than the Commonwealth.
 - (4) In the event that a State ceases to be a party this Amending Agreement shall nevertheless continue in force with respect to the Commonwealth and the States which are parties when the cessation takes effect.
2. The Agreement is amended—
- (a) by deleting the full stop at the end of paragraph 6(1)(b) and inserting in its place a semi-colon and then the word “and”;
 - (b) by adding to sub-clause 6(1) the following paragraph—
“(c) debt restructuring with interest subsidies;”;
 - (c) by deleting from sub-clause 10(1) the words—
“For the purposes of paragraph (b) of sub-clause 6(1)” and inserting in their place the words “In relation to paragraphs (b) and (c) of sub-clause 6(1)”;
 - (d) by omitting paragraph 10.1(b) and inserting the following paragraph in its place—
“(b) except for assistance under paragraph 6(1)(c), grants or loans by the State for purposes other than the purpose referred to in paragraph (a).”;
 - (e) by deleting from sub-clause 10(2) the word “half” and inserting in its place the words “a third”;
 - (f) by inserting in sub-clause 10(4) after the word “assistance”, the words “, except that provided for by paragraph 6(1)(c).”; and
 - (g) by inserting into sub-clause 14(2) after “Part A assistance” where first appearing in that sub-clause, the words—
“except that provided for by paragraph 6(1)(c)”;
 - (h) by adding to clause 14 the following sub-clause—
“(5) Notwithstanding anything to the contrary in this agreement, the amount of Part A assistance described in paragraph 6(1)(c) as determined by the Commonwealth pursuant to sub-clause (1) shall be payable only for the financial years commencing on

SCHEDULE 1—continued

1 July 1991 and 1 July 1992 and for any subsequent year for which the Commonwealth determines pursuant to this Agreement such assistance to be payable.”.

- 3. The Agreement is, save for the foregoing amendments, confirmed in all other respects.

IN WITNESS WHEREOF this Amending Agreement has been signed for and on behalf of the Parties as at the day and year first above written.

SIGNED by the Honourable
SIMON CREAN, Minister for
Primary Industries and Energy of
the Commonwealth of Australia }
}

SIGNED by the Honourable IAN
MORTON ARMSTRONG,
Minister for Agriculture and Rural
Affairs of the State of New South
Wales }
}

SIGNED by the Honourable
ANTHONY JOHN SHEEHAN,
Treasurer of the State of Victoria }
}

SIGNED by the Honourable
KEITH ERNEST DE LACY,
Treasurer of the State of
Queensland }
}

SIGNED by the Honourable
ERNEST FRANCIS BRIDGE,
Minister for Agriculture of the
State of Western Australia }
}

SIGNED by the Honourable
LYNN MAURICE FERGUSON
ARNOLD, Minister for Agriculture
and Fisheries of the State of South
Australia }
}

SIGNED by the Honourable
DAVID EDWARD LLEWELLYN,
Minister for Primary Industry of
the State of Tasmania }
}

SIGNED by the Honourable
MICHAEL ANTHONY REED,
Minister for Primary Industry and
Fisheries of the Northern Territory }
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SCHEDULE 2

Section 13

**SCHEDULE TO BE ADDED AT THE END OF THE
PRINCIPAL ACT**

“SCHEDULE 3

Section 4B

SECOND AMENDING AGREEMENT

THIS FURTHER AMENDING AGREEMENT is made the day of

BETWEEN

THE COMMONWEALTH OF AUSTRALIA (in this Agreement called “the Commonwealth”) 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 WESTERN AUSTRALIA of the fifth part,

THE STATE OF SOUTH AUSTRALIA of the sixth part,

THE STATE OF TASMANIA of the seventh part, and

THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part.

WHEREAS:

- (A) The Commonwealth, the States and the Northern Territory of Australia entered into an Agreement relating to rural adjustment on or about December 1988 which has been amended by an Amending Agreement dated 20 December 1991 (which Agreement as so amended is herein called the “amended Agreement”); and
- (B) It is desired to further amend the amended Agreement to give effect to certain initiatives in favor of the rural sector announced by the Prime Minister in his Statement to the Commonwealth Parliament on 26 February 1992.

NOW IT IS HEREBY AGREED as follows:

1. (1) In this Further Amending Agreement each State and the Northern Territory of Australia in respect of which the Further Amending Agreement has come into force is referred to as a “State” and the expression “the States” means, except where the expression otherwise requires, all of the States and the Northern Territory of Australia in respect of which for the time being the Further Amending Agreement is in force.

SCHEDULE 2—continued

- (2) This Further Amending Agreement shall, as between the Commonwealth and a State executing it, be deemed to have come into force on the 1st March 1992.
 - (3) Notwithstanding that in this Further Amending Agreement all of the States are named as parties, this Further Amending Agreement shall operate as an agreement between the Commonwealth and the party or parties in respect of which it comes into force as fully and effectually as if the party or parties in respect of which it comes into force were the only party or parties so named other than the Commonwealth.
 - (4) In the event that a State ceases to be a party, this Further Amending Agreement shall nevertheless continue in force with respect to the Commonwealth and the States which are parties when the cessation takes effect.
2. The amended Agreement is further amended by:—
- (a) inserting into sub-clause 3(1) the following definitions:
“broadacre crops” means cereals, coarse grains, oilseeds, peanuts and grain legumes; and
“sugar crops” means sugar and cane sugar;
 - (b) adding to paragraph 6(1)(a) the words “including finance to establish for the year ending 31 December 1992 broadacre and sugar crops; and
 - (c) deleting the last sentence of sub-clause 10(2) and inserting in its place the following:
“Subsidies paid under this sub-clause shall not exceed—
(a) as to those to establish broadacre and sugar crops—75%; and
(b) otherwise—50%,
of the interest payable on, and associated costs of, such loans and the State shall bear a third of the cost of the subsidies referred to in paragraph (b) out of its own funds.”
3. The amended Agreement is, save for the foregoing amendments, confirmed in all other respects.

IN WITNESS WHEREOF this Further Amending Agreement has been signed for and on behalf of the Parties as at the day and year first above written.

SIGNED by the Honourable
SIMON CREAN, Minister for
Primary Industries and Energy of
the Commonwealth of Australia

SIGNED by the Honourable IAN
MORTON ARMSTRONG,
Minister for Agriculture and Rural
Affairs of the State of New South
Wales

SCHEDULE 2—continued

SIGNED by the Honourable
ANTHONY JOHN SHEEHAN,
Treasurer of the State of Victoria

SIGNED by the Honourable
KEITH ERNEST DE LACY,
Treasurer of the State of
Queensland

SIGNED by the Honourable
ERNEST FRANCIS BRIDGE,
Minister for Agriculture of the
State of Western Australia

SIGNED by the Honourable
LYNN MAURICE FERGUSON
ARNOLD, Minister for Agriculture
and Fisheries of the State of South
Australia

SIGNED by the Honourable
ROBIN TREVOR GRAY,
Minister for Primary Industry of
the State of Tasmania

SIGNED by the Honourable
MICHAEL ANTHONY REED,
Minister for Primary Industry and
Fisheries of the Northern Territory

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SCHEDULE 3

Section 14

**SCHEDULE TO BE ADDED AT THE END OF THE
 PRINCIPAL ACT**

"SCHEDULE 4

Section 4C

**SUPPLEMENTAL AGREEMENT WITH
 THE AUSTRALIAN CAPITAL TERRITORY**

THIS SUPPLEMENTAL AGREEMENT is made the day of
 One thousand nine hundred and ninety two.

BETWEEN

the Commonwealth of Australia ("the Commonwealth") of the one
 part; and

the Australian Capital Territory of the other part.

WHEREAS:

- (A) the Commonwealth, all the States and the Northern Territory entered into an Agreement relating to rural adjustment dated variously of December 1988 and January 1989 ("the Agreement");
- (B) those parties have entered or are shortly to enter into an Amending Agreement and a Further Amending Agreement in relation to rural adjustment;
- (C) assistance in relation to rural adjustment for the Australian Capital Territory has been provided by the Commonwealth hitherto without the government of the Australian Capital Territory being a party to the Agreement; and
- (D) it is considered appropriate that the Australian Capital Territory become a party to the Agreement as amended and further amended by the Agreements referred to in Recital (B) ("the amended Agreement").

NOW IT IS HEREBY AGREED as follows:

1. On and from the day of 1992, the Australian Capital Territory is to be a party to the amended Agreement.
2. In order that financial assistance be payable thereunder on and from the date specified in clause 1 of this Supplemental Agreement to the Australian Capital Territory by the Commonwealth there are to be inserted the words
 - (a) "and the Australian Capital Territory" in sub-clauses 1(1) and 1(3) of the amended Agreement immediately after the words "of Australia"; and

SCHEDULE 3—continued

(b) “or the Australian Capital Territory” in sub-clause 3(1) of the amended Agreement after the word “State” in the definition of both “farm enterprise” and “farmer”.

3. The Australian Capital Territory agrees to use any financial assistance so provided by the Commonwealth in accordance with the terms and conditions set out therein.

4. The amended Agreement is, save for the foregoing, confirmed in all other respects.

IN WITNESS WHEREOF this Supplemental Agreement has been signed for and on behalf of the Parties as at the day and year first above written

SIGNED by the Honourable
SIMON CREAN, Minister for
Primary Industries and Energy of
the Commonwealth of Australia

SIGNED by the Honourable

Minister for
for the Australian Capital Territory

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NOTE

1. No. 112, 1988.









