

# BRIGALOW LANDS AGREEMENT AMENDMENT ACT 1977

No. 148 of 1977

An Act to amend the *Brigalow Lands Agreement Act 1962*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Brigalow Lands Agreement Amendment Act 1977*.<sup>1</sup> Short title

(2) The *Brigalow Lands Agreement Act 1962*<sup>2</sup> is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commence-  
ment

3. After section 3B of the Principal Act the following section is inserted:

“3C. The execution, by or on behalf of the Commonwealth, of an agreement between the Commonwealth and the State of Queensland substantially in accordance with the form contained in the Fourth Schedule is authorized.”. Execution of  
agreement  
authorized

4. Section 4 of the Principal Act is amended by inserting “, and by an agreement (if any) executed in pursuance of section 3C,” after “Second Amending Agreement”. Financial  
assistance

5. The Principal Act is amended by adding at the end thereof the Schedule set out in the Schedule to this Act. Fourth  
Schedule

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## SCHEDULE

Section 5

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### FOURTH SCHEDULE

Section 3C

AN AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine  
hundred and seventy- \_\_\_\_\_ between—

THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Commonwealth”) of the one part, and THE STATE OF QUEENSLAND (in this agreement called “the State”) of the other part.

## SCHEDULE—continued

## WHEREAS—

- (a) by an agreement between the Commonwealth and the State made the first day of December 1962 (in this agreement called “the Agreement”) provision was made for the Commonwealth to grant financial assistance to the State for the purpose of the further development of land in the Fitzroy River Basin;
- (b) by further agreements between the Commonwealth and the State made the second day of December 1965 and the twenty-seventh day of April 1967 (called respectively “the Amending Agreement” and “the Second Amending Agreement” and referred to in this agreement as “the Amending Agreements”) the plan of development provided for by the Agreement was amended, the operation of the Agreement was extended to the development of additional land and for an additional period of time and the terms and conditions on which the assistance was provided under the Agreement were varied;
- (c) the Agreement and the Amending Agreements have been approved and the payment of financial assistance to the State on the terms and conditions provided thereby has been authorized by the Parliament of the Commonwealth by the Brigalow Lands Agreement Act 1962 as amended by the Brigalow Lands Agreement Act 1965 and the Brigalow Lands Agreement Act 1967;
- (d) the Agreement and the Amending Agreements have been approved and their implementation provided for by the Parliament of the State by “The Brigalow and Other Lands Development Acts, 1962 to 1967”;
- (e) it is proposed that, subject to the approval of the Parliament of the Commonwealth and of the State, the terms and conditions on which financial assistance is provided under the Agreement as amended by the Amending Agreements be further varied as set out in this agreement:

## NOW IT IS HEREBY AGREED as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party unless the execution of it on behalf of the parties shall have been authorized, or having been executed on behalf of the parties, that execution is approved, by the Parliament of the Commonwealth and the Parliament of the State.

2. When this agreement comes into force, the Agreement as amended by the Amending Agreements (in this agreement called “the Principal Agreement”) shall be construed and take effect as further amended by this agreement, which shall be known as the Third Amending Agreement.

3. Clause 7 of the Principal Agreement, which was amended by clause 4 of the Second Amending Agreement, is further amended by inserting after sub-clause (2) the following sub-clause—

“(2A) Notwithstanding sub-clause (1), interest shall not accrue under this clause in respect of any payment or advance or any amount referred to in paragraph (a) of sub-clause (2) during the period which commences on the sixteenth day of July, 1977 and ends on the fifteenth day of July, 1978 and accordingly no amount shall be payable under paragraph (c) of sub-clause (2) on the fifteenth day of January, 1978 or on the fifteenth day of July, 1978.”

4. Clause 8 of the Principal Agreement, being the clause that was inserted by clause 5 of the Second Amending Agreement, is amended by inserting after sub-clause (3) the following sub-clauses—

“(3A) Notwithstanding sub-clause (1) of this clause, instalments shall not be payable by the State under that sub-clause on the fifteenth day of January, 1978 and on the fifteenth day of July, 1978.

“(3B) Subject to sub-clause (4), the half-yearly instalments payable by the State under this clause on and after the fifteenth day of January, 1979 shall be of amounts that are as far as practicable equal and will repay the unpaid balance of each payment or advance as at that date or pay the amount or balance of each amount referred to in paragraph (b) of sub-clause (2) of the last preceding clause by the number of instalments of such number that, when the number is added to the number of instalments that have been paid in accordance with sub-clause (1) of this clause and the number of instalments which are not payable by virtue of sub-clause (3A) of this clause, produces a total of 54 instalments.”

## SCHEDULE—continued

5. The State will arrange for the benefits that enure to the State by virtue of the amendments that are made to the Principal Agreement by this agreement to be accorded in an appropriate manner and an appropriate extent to the persons who are for the time being the holders of blocks that have been allotted subject to the repayment, with interest, to the State of the cost of development and stocking of the blocks.

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## NOTES

1. Act No. 148, 1977; assented to 10 November 1977.
2. Act No. 103, 1962, as amended. For previous amendments *see* Act No. 122, 1965; No. 48, 1967; and No. 216, 1973 (as amended by No. 20, 1974).